

SENATE.

WEDNESDAY, August 5, 1914.

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

O Lord, our heavenly Father, as we come to meet the tasks of this day our thoughts go up to Thee for Thy blessing. In the midst of the busy whirl of life, and in the sound of the confusion of nations, we come to Thee for wisdom and grace to act well our part. In meeting all the difficult problems that face us, may we have the equipment of patience, and courage, and faith in God. Strengthen Thy servants for every duty, and lead us always and under all circumstances in the paths of righteousness, for Thy name's sake. Amen.

The Journal of the proceedings of the legislative day of Monday, August 3, 1914, was read and approved.

REVENUES OF RAIL CARRIERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the chairman of the Interstate Commerce Commission, which will be read.

The Secretary read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, August 3, 1914.

The PRESIDENT OF THE SENATE OF THE UNITED STATES.

SIR: In further response to the resolution of the Senate of the United States of March 23, 1914, as follows:

"Resolved, That the Interstate Commerce Commission be, and it hereby is, directed to transmit to the Senate, from time to time as taken and transcribed, a copy of all evidence introduced and all exhibits received in evidence by said commission at hearings in the cases, Docket No. 5860 entitled 'Revenues of Rail Carriers in Official Classification Territory,' and Investigation and Suspension Docket No. 333 entitled 'Rate Increases in Official Classification Territory.'"

The Interstate Commerce Commission has the honor to transmit herewith volumes 38 to 42, inclusive, embracing such further evidence as was introduced and exhibits as were received in evidence at the hearings before the commission in cases covered by your resolution in full compliance with the resolution as of this date. Each volume is labeled and contains an index of the contents of the volume. Copies of certain additional exhibits and compilations will be submitted at an early date to complete compliance with the resolution.

Respectfully,

JAMES S. HARLAN, Chairman.

The VICE PRESIDENT. The communication and accompanying papers will be referred to the Committee on Interstate Commerce, and the accompanying papers will be printed as heretofore authorized.

REGISTRY OF FOREIGN-BUILT VESSELS.

Mr. O'GORMAN. I ask unanimous consent for the present consideration of an emergency measure now on the calendar. It is the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes.

Mr. SMOOT. I will ask the Senator if he will not withhold that request until the ordinary morning business has been transacted.

Mr. O'GORMAN. If I do that, it will then defer the consideration and the proposed passage of the bill to-day, because at 12 o'clock we will be required to take up the trade commission bill.

Mr. SMOOT. No; at 1 o'clock.

Mr. O'GORMAN. I do not know that there will be any discussion on this bill, and if there be no discussion it will not interfere with the order of morning business.

Mr. SMOOT. I am very sure that it will lead to discussion.

Mr. GALLINGER. There will be some discussion, not prolonged, but there will be more or less discussion.

Mr. O'GORMAN. The Senator from Utah prefers that we should defer the matter until the routine business is disposed of?

Mr. SMOOT. I prefer that the Senator should defer it until we get through with the ordinary morning business.

Mr. O'GORMAN. I will withdraw the request for the present.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Springfield, Oreg., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Presbyterian Synod of Oregon, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD. I present a resolution adopted at the annual meeting of the Interstate Cotton Seed Crushers' Association, held in New Orleans, La., May 20, 1914, which I ask

may be printed in the RECORD, without reading, and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolution as to our foreign trade adopted by the Interstate Cotton Seed Crushers' Association at their annual meeting held in New Orleans, La., May 20, 1914.

Whereas the Government of Austria-Hungary continues to unduly discriminate against American edible cottonseed oil; and

Whereas there appears to be no intention on the part of that country to seriously consider the urgent solicitations of our State Department for fulfillment of promises made when trade relations were entered into; and

Whereas there is apparently a disposition on the part of foreign countries generally to increase the duties and in some cases discriminate against edible cottonseed oil and its allied products, especially in South America and South Africa; and

Whereas the continuance of such policy on the part of foreign Governments without power on the part of our own country to retaliate under the present tariff act must necessarily result disastrously to our export trade; and

Whereas the new tariff law has in it no means either for maintenance or extension of foreign trade, other than the general power conferred on the President to negotiate new commercial treaties; and

Whereas recent experiences have shown that the material reductions in duties on imports under the present act for which reciprocal concessions on the part of foreign Governments were effected indicates that there is an indisposition on the part of such countries to seriously consider any reduction in their duties on American products except on the basis of still further concessions from existing tariff rates: Now, therefore, be it

Resolved by the Interstate Cotton Seed Crushers' Association, representing practically the entire industry, in convention assembled at New Orleans, this 20th day of May, 1914, That—

(1) It is the sense of the industry here represented that inasmuch as it is obviously impossible under present conditions to secure from foreign countries favorable consideration of questions involving tariff discriminations against the products of the industry, and consequent loss of its export trade;

(2) That supplementary legislation is manifestly necessary, either for the maintenance or extension of foreign trade;

(3) That the industry, being now fully cognizant of the necessity for some power of automatic penalization for present and future discrimination against its products, demand that its export interest be given by the United States Congress the serious consideration to which it is justly entitled, and that provision be made for power of automatic penalization, such as is provided in paragraph 644 of the existing law covering wheat and wheat products and paragraph 581 covering potatoes; and be it further

Resolved, That copy of this resolution be transmitted to the President of the United States, the Cabinet officers, and to each Senator and Member representing, respectively, States and districts where this industry is a factor.

Mr. SHEPPARD. I present a resolution adopted at the annual meeting of the Interstate Cotton Seed Crushers' Association, held in New Orleans, La., May 20, 1914, relative to the present oleomargarine law, which I ask may be printed in the RECORD, without reading, and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolution for the repeal of the present Federal oleomargarine law, adopted by the Interstate Cotton Seed Crushers' Association at their annual meeting, held in New Orleans, La., May 20, 1914.

Whereas our Federal Government still recognizes and maintains the unjust and iniquitous tax of 10 cents per pound on colored oleomargarine; and

Whereas there is no justification for a tax which is un-American and contrary to the principles of the present administration, in that it taxes and places a burden on an article of daily food; and

Whereas the reports of the Secretary of the Treasury and the Commissioner of Internal Revenue indicate a most unsatisfactory condition as to the enforcement and operation of the present law, and has recommended remedies, some of which we approve: Therefore be it

Resolved, That the Interstate Cotton Seed Crushers' Association, in convention assembled at New Orleans this 20th day of May, 1914, demand from the present administration a repeal of the present law and a total abolishment of the tax. We feel that the support of all Democratic Congressmen should be given to the bill H. R. 9906, recently introduced by Representative BUCHANAN of Texas, as a means of properly safeguarding the manufacture and sale of oleomargarine; be it further

Resolved, That a copy of these resolutions be forwarded to the President, to the Cabinet officers, and to the southern Senators and Members of the House.

REPORTS OF COMMITTEES.

Mr. ASHURST. From the Committee on Indian Affairs I report back favorably with an amendment the bill (S. 2824) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, and I submit a report (No. 720) thereon. I call the attention of the Senator from Utah [Mr. Smoot] to this report.

Mr. SMOOT. As the bill may lead to some discussion, I shall not ask unanimous consent for its present consideration at this time, but will let it go to the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SMOOT. I hope to call it up soon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 2668) for the relief of Martha Hazelwood, reported it without amendment and submitted a report (No. 723) thereon.

Mr. LEE of Maryland, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1373. A bill for the relief of the estate of John Stewart, deceased (Rept. No. 725);

H. R. 3920. A bill for the relief of William E. Murray (Rept. No. 726); and

H. R. 6420. A bill for the relief of Ella M. Ewart (Rept. No. 724).

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 11763) to perfect the title to land belonging to the M. Forster Real Estate Co. of St. Louis, Mo., reported it without amendment and submitted a report (No. 722) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 6162) authorizing the issuance of patent for certain lands to Thomas L. Griffiths, reported it without amendment and submitted a report (No. 721) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 6216) granting a pension to John H. Burke (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 6217) to increase the efficiency of the Organized Militia, and for other purposes; to the Committee on Military Affairs.

SECURITIES OF COMMON CARRIERS.

Mr. CATRON. I submit an amendment intended to be proposed by me to the bill (H. R. 16586) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes. I ask that the amendment may be printed and lie on the table, and also that it be printed in the Record.

There being no objection, the amendment was ordered to lie on the table and be printed, and to be printed in the Record, as follows:

On line 9 of the first page, after the word "act" and before the word "and," insert the following: "all corporations, joint-stock associations, and all other associations having shares of capital or capital stock organized to carry on business for profit, engaged, or which may hereafter be engaged, in the transmission of electricity for power, lighting, heating, or any other purposes, in any manner whatsoever, from one State or Territory in the United States or the District of Columbia to any State or Territory of the United States or District of Columbia, all of which corporations and associations are hereby constituted and made common carriers and shall come under the terms of, and be subject to, the provisions of this act."

Mr. CATRON. I desire to give notice that to-morrow immediately after the close of the morning business I shall address the Senate on the subject of this amendment.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and to be printed.

GENERAL EDUCATION BOARD AND CARNEGIE FOUNDATION.

Mr. CHAMBERLAIN. I offer a resolution, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 437), as follows:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Postmaster General, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Labor each is hereby requested and directed to furnish to the Senate the following information: The relation, if any, of the organizations known as the General Education Board of the Rockefeller Foundation and the Carnegie Foundation to the work of their respective departments; a statement showing the names and positions of all employees, if any, of the department whose salaries are paid in whole or in part with funds contributed by the Rockefeller Foundation or the Carnegie Foundation; the names and positions of all administrative officers, if any, of the department who are in any way connected with the work of the General Education Board of the Rockefeller Foundation or the Carnegie Foundation; and the salaries, if any, received by them from the said Rockefeller Foundation or Carnegie Foundation.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BURTON. I was detained by a session of a committee and have just entered the Chamber. I should like to ask the general purport of the resolution.

Mr. CHAMBERLAIN. It is simply to get information from these departments as to whether or not either of these boards are contributing money to the expenses of the Government, and the names of the employees on the roll, if any.

Mr. BURTON. Has not that information already been furnished, particularly in regard to the Rockefeller fund?

Mr. CHAMBERLAIN. Only in reference to the Department of Agriculture.

Mr. BURTON. This is general?

Mr. CHAMBERLAIN. This is general. The resolution simply asks for information.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

PARKS WITHIN RECLAMATION PROJECTS IN MONTANA.

Mr. PITTMAN. On April 28 last I was appointed one of the conferees on behalf of the Senate upon the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 657) to authorize the reservation of public lands for country parks and community centers within reclamation projects in the State of Montana, and for other purposes. The bill was introduced by the Senator from Montana [Mr. MYERS], and I was appointed on the conference during the protracted illness of the Senator from Montana. He is now in the Senate and is familiar with the measure, and I ask unanimous consent that I may be relieved from further service as a member of the conference committee and that he be appointed in my place.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it will be so ordered.

REGISTRY OF FOREIGN-BUILT VESSELS.

The VICE PRESIDENT. The morning business is closed.

Mr. O'GORMAN. I ask unanimous consent for the immediate consideration of the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes.

The VICE PRESIDENT. Is there objection?

Mr. SUTHERLAND. Mr. President, I have not had an opportunity of reading this bill. I have just at this moment obtained a copy of it. Does the Senator from New York think there is such an emergency for this particular measure at this time that it ought to be disposed of without giving some of us an opportunity of looking into it?

Mr. O'GORMAN. Mr. President, the proposition is a very simple one. The bill is a short one and can be readily understood. The President of the United States and the administration think that the public interests will be served by the immediate passage of the bill.

In a word, disaster is threatening the cotton and the agricultural interests of this country. Thousands of American citizens are abroad unable to secure passage home. Disaster to the cotton and the agricultural interests is threatened because, although we have the most bountiful crops ever known in the history of the Government, we find ourselves without transportation facilities. The passage of this bill will go far toward remedying this very unfortunate situation.

Mr. SUTHERLAND. The question in my mind was whether or not a delay of 24 hours is going to add to the undesirable situation.

Mr. O'GORMAN. Every day's delay is fraught with great financial loss to the cotton and agricultural interests in every part of the United States.

Mr. SUTHERLAND. Mr. President, of course I am in favor quite as earnestly as the Senator from New York can be of the passage of any legislation which is well considered that will tend to ameliorate the present situation in any way, but at the same time I think there is some danger of our permitting ourselves to go off on a wave of hysteria about this matter. The fact that there is presented to us this grave situation will not justify us in losing our heads and failing to carefully consider any proposed legislation.

The Senator from New York has given this matter consideration. He may be quite right about it, but, speaking for myself, I have given it no consideration. I have not even up to this moment read the bill. I have simply had it put into my hands now.

I dislike to interfere in the matter, and I dislike also to be forced to act upon a measure to which I have not been able to give the slightest consideration.

Mr. O'GORMAN. I can state in a minute the salient features of this legislation. The bill has three provisions.

In the Panama Canal act of 1912, with a view to increasing our merchant marine, Congress inserted a provision permitting

American registry to any foreign-built ship not more than 5 years old owned by an American citizen or an American corporation. The first provision in this bill is to strike out that five-year limitation. The reason why it was inserted originally was this: Eager as we were to increase our merchant marine by admitting to American registry foreign-built ships owned by American citizens we did not want to encourage the reception into our merchant marine of old ships. So we indicated a maximum period of five years. It is sought to remove that limitation because there are many ships more than 5 years old now sailing under foreign flags and belonging to citizens of the United States. By the removal of the five-year limitation our merchant marine will be enlarged by a great many of those vessels.

The second provision is—

Mr. WEEKS. Will the Senator, at this point, indicate to the Senate why he thinks an American citizen will invest his money in a ship more than 5 years old when he has failed and is failing to invest it in ships less than 5 years old?

Mr. O'GORMAN. I assume that, owing to the great pressure that will be made on whatever number of ships we have available for the transportation of our products abroad, the immediate rewards to the owners of the ships at this time, and so long as the war continues, will be greater than they would be in normal times, and what might be an unattractive proposition, and has been during the past two years, might become attractive as a commercial proposition to owners of ships while this unfortunate war lasts in Europe.

Mr. GALLINGER. Will the Senator permit me? The Merchant Marine Commission interrogated shipbuilders; and not only that, but the large capitalists of the country—the bankers and others in New York and Boston and Baltimore, especially—to know if they would, if a free-ship bill were passed, invest in ships of foreign make and run them in competition with foreign nations, and they all said they would not do so because of the increased cost of navigating the ships. The contention has been made for years and years, especially by the party to which the Senator from New York belongs, that the solution of the merchant-marine problem was in permitting our people to purchase foreign ships and sail them under the American flag. Acceding to that demand, some of us who did not believe in it agreed that in the Panama Canal act a provision should be inserted which granted to our people that privilege. Now, it is a notorious fact that not one single foreign ship has been purchased and is sailing under our flag since the passage of that act.

As the Senator from Massachusetts [Mr. WEEKS] very properly inquires, is it probable that our people who will not buy ships less than 5 years old will buy the old junks, the old tramps, that are navigating the oceans of the world and put them into our foreign commerce? I can not conceive that we are going to do it if this bill is passed.

I have some other observations to submit that I will make in my own time.

Mr. O'GORMAN. Does the Senator think any possible harm can come to American interests by allowing even what he calls old boats to fly the American flag?

Mr. GALLINGER. I will say to the Senator that, while I am not a lawyer, I have very grave apprehensions that if we undertake to establish a merchant marine in accordance with the provisions of this act we may find ourselves complicated to such an extent that we may be engaged in war in the near future, as I shall point out later on.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Connecticut?

Mr. O'GORMAN. I do.

Mr. BRANDEGEE. I attended the committee meeting yesterday which considered this bill, and the Commissioner of Navigation appeared before us. I do not recall that any statement was made by him giving any information as to how many vessels more than 5 years old are now owned by Americans which would be available if this bill were passed. I ask the Senator from New York if he happens to be in possession of such information?

Mr. O'GORMAN. Yes; I can furnish some information on that point.

Mr. BRANDEGEE. I think that would be germane to the subject.

Mr. O'GORMAN. The American-Hawaiian fleet of 26 steamers was built and procured largely for the Panama Canal trade, which will soon be opened. Only a few of those have been built within five years. The company owning them is an American company. Under this law, if the five-year limitation is removed, such of their ships as may have been built abroad can all fly the

American flag and be immune from molestation or seizure while engaged in the Atlantic trade.

Mr. GALLINGER. But, Mr. President, has the Senator any information that that fleet which is now engaged in profitable business would voluntarily transfer itself to the trans-Atlantic service?

Mr. O'GORMAN. I suppose that every American citizen who is patriotic will respond to the appeal of the American Government at this time to save large agricultural interests from disaster and to give an opportunity to American citizens who are practically exiled in Europe to come home. These things can not be accomplished unless we are able to put on the ocean ships flying the American flag.

Mr. GALLINGER. Mr. President, we all sympathize with that view. I will say to the Senator from New York that his suggestion about patriotism is something that I have urged in season and out of season with reference to establishing an American merchant marine, but there was not a response to it from some sections of the country.

Mr. O'GORMAN. I may say further, in answer to the inquiry of the Senator from Connecticut [Mr. BRANDEGEE], that the United Fruit Co., owned by an American corporation, has nearly two dozen vessels flying the British flag, which could come in under the provisions of this law if the five-year limitation were removed.

Mr. BRANDEGEE. Let me ask the Senator from New York if he thinks that the American Fruit Co. would abandon the business in which they are now engaged and transfer their vessels to the trans-Atlantic service to take our crops abroad?

Mr. O'GORMAN. I presume they would devote at least some of their vessels to the more immediate needs of the American people.

Mr. BURTON. Mr. President, I think the illustration selected by the Senator from New York [Mr. O'GORMAN] was unfortunate. The American-Hawaiian Co. is already under the American flag, the United Fruit Co., the Belgian Red Star Line, and the New York-Pacific are, perhaps, the principal lines owned by American capital under foreign flags. Then, again, the International Mercantile Marine Co., as a holding company, has several lines—the White Star, the Leyland, and others—in addition to the Belgian Red Star. The capital invested in these, however, is not predominantly American, as I understand it.

Mr. O'GORMAN. As I understand, there are but four steamships of the American line now carrying the American flag.

Mr. BURTON and Mr. SMOOT. There are six.

Mr. O'GORMAN. There are four in the American line and two in the Red Star line, making six altogether.

Mr. GALLINGER. That is right.

Mr. O'GORMAN. That is a force of vessels entirely inadequate to the needs of this country if we are to be dependent upon our own lines of transportation. Heretofore our mistake has been that, great as we have been as a producing country, we have been absolutely dependent on the foreigner for the transportation of our products; the value of our products has been dependent upon our ability to transport them and the influences that control the transportation could, in consequence, control the value of our products. As has been stated on this floor but recently when another topic was before the Senate for consideration, American industry, so far as foreign trade is concerned, has been absolutely dependent upon the foreigner, so dependent that it has been said that during the last 10 years the foreign shipowners have increased their rates, have increased their tribute on American industry almost 300 per cent. To-day, because of the calamities that are afflicting Europe, we are unable even to secure the ship of the foreigner. Foreign ships do not dare to put to sea and if we do not procure some means of transporting the products of the farm and of the factory in this country disaster will threaten every section of our country.

Mr. PAGE. Mr. President—

Mr. O'GORMAN. I yield to the Senator from Vermont.

Mr. PAGE. Mr. President, in the discussion before the committee on yesterday I was led to the conclusion that this bill would not apply to any vessels to be hereafter bought by any American individual or corporation, but would apply only to vessels already owned by American corporations or individuals. Am I right in that?

Mr. O'GORMAN. It was designed particularly to allow the American registration of foreign-built ships now owned by American citizens or American corporations. As to the right to transfer American property from the British flag or other foreign flag to the American flag, I apprehend there will be no serious dispute. The bill goes further, because it refers to foreign-built ships hereafter acquired by American owners. In a given case respecting a ship hereafter purchased, or pur-

chased while hostilities are on, the circumstances will determine whether the transfer should be recognized by the enemy of the belligerent.

A ship is always to be considered in two aspects: Its nationality is fixed by its flag; its ownership may be entirely different. That is to be attested by the ship's papers. Even to-day an American-owned ship flying a foreign flag is nothing more than property owned by an American citizen, and it is international law that, though the American is flying a foreign flag, he has the right to invoke the protection of his own Government against the aggressions of any other power.

With respect to the law question suggested by the Senator from New Hampshire, it has been recognized in this country and in Great Britain that even in times of war the neutral may purchase a merchant ship from a belligerent and the transfer must be respected by the enemy, if the transaction is bona fide and honest. If it is a mere subterfuge, it will be disregarded. A more stringent rule has been recognized by the continental nations. In 1909, in a conference in London attended by all the nations of the earth, an effort was made to agree upon a uniform rule, and that rule I shall now read to the Senate.

Mr. CUMMINS. Mr. President—

Mr. O'GORMAN. I yield to the Senator from Iowa.

Mr. CUMMINS. The point just suggested by the Senator from New York is the point that has attracted my attention with regard to the proposed legislation. I am heartily in favor of the bill, but, in view of the circumstances, it ought to contain a provision that as to foreign-built ships bought by American citizens or by American corporations after the passage of the act and during the next year, they should only be admitted to American registry upon the approval of the Secretary of State, who might inquire into the transaction, and by a little precaution of that kind avoid what might be a very unpleasant and unhappy international incident. I ask the Senator from New York whether, in his opinion, the bill ought not to contain a safeguard of that kind?

Mr. O'GORMAN. I see no objection to the insertion of such a provision.

Mr. WEEKS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. O'GORMAN. I do.

Mr. WEEKS. Before the Senator goes on with what he has in mind, I want to call to his attention the purposes of the Panama Canal act as it was originally passed and what is evidently intended by the amendment which is now pending. As I understand it, the Panama Canal act provided that ships of three kinds might be given American registry, and the first class was—

vessels built within the United States and belonging wholly to citizens thereof.

Now, I want to ask the Senator if that would not permit the ships of the United Fruit Co., which are flying the British flag, to take an American registry at once, if that company desires to make the transfer, without any legislation whatever?

Mr. O'GORMAN. Having in mind that many of the ships of that company are foreign built—

Mr. WEEKS. They are not foreign built.

Mr. O'GORMAN. Is the Senator sure as to that?

Mr. WEEKS. I know that very many of them were built in the United States; I do not know that all of them were, but many of them were. Now, what I am trying to get at is this: Have we not a law now which will provide for the transfer of these ships owned by American citizens without any further legislation?

Mr. O'GORMAN. Provided they are American-built vessels. As to such vessels we need no further legislation. This bill is designed, however, as has been stated, to give American registry to foreign-built ships.

Mr. SHIVELY. Under American ownership.

Mr. O'GORMAN. Under American ownership.

Mr. HITCHCOCK. Mr. President, will the Senator from New York submit to another question?

Mr. O'GORMAN. Certainly.

Mr. HITCHCOCK. Is it not a principle of international law that any vessel purchased from a citizen of a belligerent country after hostilities have broken out, or within 30 days before they break out, is a suspect?

Mr. O'GORMAN. As I have stated, up until 1909, at the time of the London conference, and indeed down to to-day, the rule recognized in Great Britain and in the United States was and is that a neutral may buy a merchant vessel from a subject or citizen of a belligerent nation while hostilities are on, provided the transfer is legitimate and bona fide, and provided it is not conditioned, for instance, upon a return of the property at the

close of the war under some agreement; but I was about to call attention to the fact—and probably it will answer the Senator's question—that in 1909 at the conference held in London there was a rule agreed upon which I shall read. I should say in passing that the conclusions of this conference were not ratified by the United States or by Great Britain, and therefore they are not binding on either, although in the judgment of many they express the best and latest thought on the subject of purchases by neutrals from belligerents in time of war.

Mr. SMOOT. Mr. President, is not the Senator mistaken in saying that the conclusions of the conference were not agreed to by England? They were not agreed to by our own country, but, as I remember—I have not the papers before me now—they were agreed to by all other countries, with the exception of the United States.

Mr. O'GORMAN. The Government of England approved of the conclusions of the conference, but the House of Lords rejected them, and therefore they did not become binding upon England.

The section to which I invite your attention reads as follows:

The transfer of an enemy vessel to a neutral flag effected after the outbreak of hostilities is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

Under this rule, even if it were to be deemed applicable to this country and Great Britain, it would simply mean that the burden would be upon the owner of the vessel to overcome the presumption that the transfer was made in order to avoid the consequences to which an enemy vessel would be exposed.

There is a further proviso in connection with Rule 56 reading as follows:

There is an absolute presumption that a transfer is void (1) if the transfer has been made during a voyage or in a blockaded port; (2) if a right to repurchase or recover the vessel is reserved to the vendor; (3) if the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing have not been fulfilled.

Mr. SMOOT. Mr. President, has the Senator section 55 there?

Mr. O'GORMAN. Yes.

Mr. SMOOT. I should like to have the Senator read section 55 in connection with section 56.

Mr. O'GORMAN. Section 55 is scarcely applicable at this time, although I will read it—

Mr. HITCHCOCK. Mr. President, before the Senator goes to that, I want to continue my inquiry. The fact is, then, that a vessel purchased after hostilities have begun and, as I recall, within 30 days before they have begun, from an enemy country and put under a neutral flag is a natural suspect?

Mr. O'GORMAN. Yes.

Mr. HITCHCOCK. And the presumption of the validity of the transfer is against the vessel?

Mr. O'GORMAN. It is.

Mr. HITCHCOCK. Now, I want to ask the Senator if he does not think this bill is likely to involve us in trouble if we permit such a vessel so purchased to be manned by officers who are citizens of the country from which the vessel is purchased? Section 2 provides:

SEC. 2. That the President of the United States is hereby authorized, whenever in his discretion the needs of foreign commerce may require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all the watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

That is obviously intended to make it possible at the present time, for instance, for an American corporation to buy a German vessel, say, in the port of New York and to man her in whole or in part by German officers. If such a condition occurred, would it not naturally lead to complications, and possibly, by seizure, say from an English vessel, might it not involve us in serious difficulties with Great Britain?

It seems to me that this is not a proper time for this country to take any chances in permitting American vessels sailing under the American flag to be manned by any except American citizens, because if found manned or officered by citizens of one of the belligerent countries there would be a large presumption against the bona fides of the transfer and a strong suspicion that the transfer was questionable.

Mr. O'GORMAN. The rule as agreed upon by the London conference in 1909 with respect to the manning of a neutral ship by the natives of an enemy country would not prejudice the rights of the owner of the neutral ship. There would be no seizure; there would be no impressment. If, for instance, Germany were to seize a ship flying the American flag manned largely by a German crew and German officers, under the regulations of the London conference she could not remove the German crew and the German officers, but she could insist

upon them signing a declaration that they would take no part in the pending war.

Mr. HITCHCOCK. I want to ask the Senator if he does not question the wisdom at this time of permitting American vessels to be officered by any other than American citizens? Is there such a scarcity of American officers and sailors that any vessels which may come under the American flag can not be officered and manned by them?

Mr. O'GORMAN. If there should be enough American officers to meet the emergency, it is not to be expected that foreigners would be employed; but if the accessions to the American merchant marine are as large as it is hoped they will be, it would be necessary, for a brief time at least, to employ foreigners for various positions on the ships.

Mr. GALLINGER. Mr. President, I will ask the Senator if he thinks it would be a square deal to permit foreign officers, who are being paid about one-half what American officers are paid, to sail these ships, and that we should waive the inspection and the measurements that our laws require and that this bill proposes that we shall waive? In other words, about the only thing on the ship that would be American would be the flag. Does the Senator think that would be fair to the ships that are now engaged in our foreign trade under all these requirements of our law?

Mr. O'GORMAN. If we were dealing with normal conditions in normal times, I would say, in answer to that question, no; but we are dealing with a great emergency. Our industries are being paralyzed. We have but six vessels flying the American flag on the Atlantic Ocean. What better suggestion comes from the Senator from New Hampshire in this emergency than the one that is proposed by this bill?

Mr. GALLINGER. I would make one suggestion. I think if the Senator and his committee had turned their attention to an investigation as to whether or not there are vessels in our coastwise trade that could be put into the foreign trade, perhaps by a little change of our law, it would be a much more American procedure.

Mr. O'GORMAN. That can be done very readily.

Mr. STONE. Would that require any statutory authority?

Mr. GALLINGER. It would require a little change in the law, but a less change than is provided in this bill.

Mr. STONE. That could easily be done, if it is necessary to authorize vessels engaged in the coastwise trade to engage in the over-seas trade.

Mr. WEEKS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. O'GORMAN. I do.

Mr. WEEKS. May I suggest to the Senator from New York that there are a large number of coal and ore carrying vessels on the Great Lakes, of great capacity, which might be used for this purpose? I should think an immediate investigation should be made of that subject.

Mr. O'GORMAN. Does the Senator think they are seagoing vessels?

Mr. WEEKS. I think they might be seagoing vessels in an emergency, capable of carrying grain and cotton.

Mr. HUGHES. I will say to the Senator that, according to an editorial in the New York World, there are a number of American merchant vessels engaged in the lake trade which are not only seagoing vessels, but vessels of such capacity that it would be impossible to get them through the Welland Canal.

Mr. WEEKS. I have no doubt an editorial from the New York World would have great influence with the Senator from New York.

Mr. HUGHES. I am not attempting to influence the Senator. I am simply making a suggestion to him, and I know the Senator will take a suggestion from any source.

Mr. O'GORMAN. The immediate question before the Senate is whether or not we shall have the merits of this bill now determined and passed upon.

Mr. GALLINGER. I will suggest to the Senator from New York, if he will permit me, that on yesterday I hurriedly wrote a resolution at my desk calling upon the Secretary of Commerce to make an immediate inquiry regarding the possibility of our transferring ships from the coastwise trade to the foreign trade. I do not know when a report will come. The resolution suggests that a report be made at as early a date as practicable. I think that is a matter that we ought to look into very carefully.

I am very much disturbed over the possibility of our purchasing some foreign tramp, perhaps 10 or 15 years old, about ready to go to the bottom anyway, registering it under the name of a corporation—perhaps a corporation newly created in New Jersey or some other State where they create corpo-

rations so freely—and calling it an American ship, officered by foreigners, our laws in regard to measurements and all that sort of thing being waived, the flag flying at the mast-head, and that being about the only American thing about it. I think it would be in great danger of seizure on the high seas under this plan.

Mr. SAULSBURY. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Delaware?

Mr. O'GORMAN. I yield to the Senator.

Mr. SAULSBURY. I am in thorough accord with the effort of the Senator from New York and his committee to pass such a bill as this; and I think any fears on the part of some of the other Senators in regard to our getting into difficulties with foreign nations in the event that we pass the bill may be avoided by the provisions which may be inserted in it.

I have been very much interested in this matter, and prepared a bill on the subject several days ago, which I introduced day before yesterday, before this bill came from the House. I desire to call the attention of the Senator from New York and the other Senators who have been speaking on this subject to one or two of the provisions of that bill which I think will avoid any objection that has been made up to this time.

In regard to the watch officers being citizens of foreign nations, in this bill which I introduced—and I do not claim that it is perfect at all—I provided that the naval officers of the United States, either active or retired, and men serving or employed in the Navy, may, upon application made by them to the Secretary of the Navy, be permitted to accept such temporary service on board vessels so purchased. It seems to me that would provide against any implication that we were simply transferring the boats temporarily to the American flag. I also provided in the bill which I drew that the Secretary of the Treasury, before he permitted any transfer or bill of sale of the vessel to be recorded, should ascertain that at least 90 per cent of the vessel was owned by citizens of America in good faith.

It seemed to me that those provisions would avoid any danger of our becoming involved with foreign nations, certainly as to the commanding officers and watch officers and as to the absolute ownership; and the certificate of the Secretary of the Treasury, which I believe is the usual way, he having charge of the collectors, would be the proper way to provide for it, and it would certainly relieve us of any imputation of bad faith.

I desire to call the attention of the Senator to those provisions, which I do not think are included in the bill, but certainly they would be of much assistance in determining that the boat flying the American flag was not flying it as a pretense. I hope the Senator and his committee will take those suggestions into consideration. I have furnished him or will furnish him with a copy of the proposed act.

Mr. CLARK of Wyoming. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Wyoming?

Mr. O'GORMAN. I do.

Mr. CLARK of Wyoming. Just for a question. Suppose the bill presented by the committee should be passed and a German vessel should be bought, with German watch officers, all of whom should be transferred with the vessel; I want to ask the Senator, in his opinion, to what country those officers and seamen would owe their military allegiance?

Mr. O'GORMAN. If they owe military allegiance they will not be available for service on an American ship.

Mr. CLARK of Wyoming. I ask the question for information. I assume that citizens of Germany owe military allegiance to that country, the same as citizens of America owe military allegiance here. Would not that military allegiance follow even although they were upon and in command of an American ship?

Mr. O'GORMAN. There is a declaration in the London conference of 1909, accepted by Germany, that in the case the Senator gives as an illustration the German Government would not take the German crew off the ship, provided each German on the ship would sign a declaration that he did not intend to participate in the war.

Mr. CLARK of Wyoming. I will change the query, then, to an English ship, officered and manned by men who owe their military allegiance to the English Government, the English Government never having confirmed or entered into the conclusions of that conference. Would it be quite safe to have the officers and men of a ship engaged in our commerce—

Mr. O'GORMAN. I believe the same rule would apply with respect to British officers that would apply to the others.

Mr. CLARK of Wyoming. Of course the Senator is not unaware of the fact that the United States at one time had some trouble, and one of the moving causes of that trouble was substantially the same thing which I have indicated; and even the end of that trouble did not determine that question as between Great Britain and the United States.

Mr. O'GORMAN. It was supposed to be determined, although it was not the subject of express determination, at the close of the War of 1812.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Connecticut?

Mr. O'GORMAN. I do.

Mr. BRANDEGEE. Mr. President, before I ask the question which I am about to ask the Senator from New York, I should like to ask that part of section 5 of the Panama Canal act referred to in this bill—the act having been approved August 24, 1912—may be printed in the RECORD. I refer to the part of it which I have marked, and which I will send to the desk.

Mr. CLARK of Wyoming. Let it be read.

Mr. BRANDEGEE. As soon as I ask the question I will then ask the Secretary to be kind enough to read the act. Now, I want to call the attention of the Senator from New York to the language of the Panama Canal act, if he has it in his hand.

Mr. O'GORMAN. I have it.

Mr. BRANDEGEE. Section 5 provides, at the bottom of page 2 of the act—

That section 4132 of the Revised Statutes is hereby amended to read as follows—

Then it sets forth how that section would read, if amended. The bill that the Senator has reported provides that section 5 of the Panama Canal act is amended by striking out the words "not more than 5 years old at the time they apply for registry," but it seems to me that section 4132 should be amended by striking out those words.

Mr. O'GORMAN. That would follow as a necessary and inevitable conclusion.

Mr. BRANDEGEE. I am not quite so sure of the inevitableness of it as the Senator from New York is. However that may be, I will now ask the Secretary to read the act, from the top of page 3, if the Senator from New York will permit me to do it in his time.

Mr. O'GORMAN. Yes.

Mr. BRANDEGEE. If he prefers that I shall wait, I will wait. I ask the Secretary to read, commencing at the top of page 3.

The Secretary read as follows:

SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than five years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section 37 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes." That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so long as such vessels shall in all respects comply with the provisions and requirements of said act, etc.

Mr. BRANDEGEE. I do not think the rest of it is material.

Mr. O'GORMAN. Is there any question from the Senator?

Mr. BRANDEGEE. I asked the Senator whether he thought striking out from that act the words I referred to would amend section 4132 of the general Revised Statutes?

Mr. O'GORMAN. I do think so, and for this reason: Section 5 of the Panama Canal act amended a section of the Revised Statutes, and now by this act we are further amending

the Revised Statutes, because we are amending and qualifying the language of section 5 of the Panama act.

Mr. BRANDEGEE. It might be so, Mr. President; but inasmuch as section 4132 now stands as a statute of the United States, it seems to me the direct method, the unquestionable method, would be to amend the existing statute, and not to attempt to amend the act which amended the statute. I see no reason for approaching the question in a circuitous method or route.

Mr. SUTHERLAND. Mr. President, I wish to ask the Senator a question about section 2. I am asking the question in no spirit of hostility to the proposed legislation, but I ask it because the Senator undoubtedly has given consideration to these questions, which some of us have had no opportunity of considering.

Under section 2 would it be possible for the President so to suspend the provisions of law therein referred to that all of the officers and crew of a vessel purchased by a citizen of the United States and admitted to registry would be foreigners?

Mr. O'GORMAN. I think so.

Mr. SUTHERLAND. Including the captain of the vessel?

Mr. O'GORMAN. Yes.

Mr. SUTHERLAND. So that it would be possible, for example, for a citizen of the United States to purchase a French vessel, manned entirely by French officers and by a French crew, and to continue the vessel under the control and operation of those officers and crew.

The question I desire to ask the Senator is whether or not, in this situation of affairs, he sees any danger in our committing to a set of officers and crew, all foreigners, all citizens of one of the belligerent nations, the observance of our neutrality obligations?

Mr. O'GORMAN. Of course the Senator is taking a very extreme case, a case that is not likely to arise. It is almost inconceivable that there will be any ships flying the American flag without some American officers aboard. The change which is now proposed is largely similar to the one that took place in 1864, when, owing to the stress of the Civil War and the difficulty in securing seamen, a provision of law which had existed for many, many years before that time, respecting the necessity of having American or naturalized American officers and crew, was repealed; and it remained repealed until 1898, when the present law was enacted, requiring all the watch officers to be Americans, either by birth or by adoption. The causes which constituted the emergency in 1864 in a measure are present now. With the world involved in war, we can not apply at this time the same reasons and rules and standards that will be applied in normal times under normal circumstances.

Mr. SUTHERLAND. Just a moment. The Senator from New York, as I understand him, would see some danger in the concrete case that I have put; that is, if we should under the operation of this amended statute acquire a French vessel, for example, and bodily take over the entire complement of officers and crew and permit them to operate the vessel. Now, would not the Senator see a very grave danger in such a situation with reference to the observance of our neutrality obligations?

Mr. O'GORMAN. I might not perceive the danger. I would say it would be regrettable to have a ship flying the American flag without any American on board in a responsible position, but I do not think such a situation will arise. I am sufficiently hopeful that we will not be driven to such an extremity, and that such a condition may not exist.

Mr. HITCHCOCK. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nebraska?

Mr. O'GORMAN. I yield.

Mr. HITCHCOCK. Is it not a fact that on previous occasions when it has been deemed desirable to American vessels sailing with the watch officers of other countries there was no such a condition of war as would create the dangers predicted now? I sympathize very strongly with the suggestion of the Senator from Utah that we are likely to find ourselves embroiled in serious international disputes if we undertake to raise the American flag over a vessel purchased from a foreign owner and still manned by a foreign crew? It seems to me that that is a danger which is real, and that it ought to be very seriously considered now.

Mr. O'GORMAN. I fear the danger is exaggerated; but let us suppose a case where a ship is purchased from one of the belligerents by a neutral in time of war. Suppose the enemy of the belligerent seizes that ship notwithstanding the fact that there has been a change of flag. The burden then is upon the purchaser of the ship to satisfy a prize court in the jurisdiction of the belligerent that the ship was purchased in good faith and

that the transaction was not for the purpose of escaping the consequences of the war. If the owner of the ship could sustain that proposition his ship would not be condemned. If he could not uphold it his ship would be condemned.

I do not see why in a case of that character the United States Government should be involved at all, because I think the attitude of our Government would be that an American citizen, assuming that he had been permitted to buy the ship of a belligerent while war is pending, takes the chance of having the ship seized, and then, in the second place, of not being able to satisfy a prize court that the purchase was not made for the purpose of evading the consequences of the war. As I said, I do not see how it is going to touch the Government at all.

Mr. SUTHERLAND. Mr. President, the Senator from New York a short time ago accurately stated the rule of the international law, that the purchase of a vessel of one of the belligerent parties during hostilities would be scrutinized very closely, but that it was a perfectly legitimate transaction and would be upheld by the rules of international law if it were a bona fide purchase. There can be no doubt about that. But suppose all that; suppose it be a bona fide purchase so far as the citizen of the United States is concerned, but as in the case that I have already supposed, the French crew and the French officers are continued on board the vessel, which may be permitted to be done under this proposed amendment. The Senator will readily concede that the officers and crew of that vessel under such circumstances would owe no allegiance to the United States. Their allegiance would still be to the French Government. All their sympathies would be with the French Government. Suppose it turned out that the vessel so manned had rendered valuable service to the French Government in this war.

Mr. O'GORMAN. While flying the American flag?

Mr. SUTHERLAND. Yes; while flying the American flag, by landing contraband articles or in any other case that we might readily suppose. Suppose that were done, would not Germany and Austria have a real cause to complain against the United States for permitting that sort of a condition to exist?

Mr. O'GORMAN. Yes; if the United States did permit it or was cognizant of it.

Mr. SUTHERLAND. How would the United States prevent it?

Mr. O'GORMAN. That would be controlled by an entirely different proposition of law, which defines what is contraband and what is not, and indicates the duties resting upon a neutral government. The neutral government is not to be held responsible for an expedition of one of its vessels in contraband trade unless the neutral government either knew or had reason to suspect that its citizens were so engaged.

Mr. SUTHERLAND. Of course, the things I am supposing or apprehending might be done would be done in spite of any instructions from our Government or any laws we might have on the subject, and when done the mischief would be done. Anything that we might do afterwards in the way of punishment, if we could inflict any, would not alter the fact that the mischief had already happened. Under those circumstances is there not a real danger that we may be involved in complications with the other belligerent powers if we should take over the ships of France or England and continue their officers and crew in the service of the ships?

Mr. O'GORMAN. That is all on the assumption that there would be no American on board exercising a responsible authority.

Mr. GALLINGER. There need not be under the bill.

Mr. SUTHERLAND. The bill gives the President the power to do all the things that go to the extreme length I have suggested. The whole question, to my mind, is whether that ought not to be safeguarded.

Mr. O'GORMAN. The discretion under the bill is confided to the President, and it is a question whether under the stress of these conditions we should hesitate to deposit with the President this power, having confidence in his wise exercise of it.

Mr. COLT. May I ask the Senator from New York a question?

Mr. O'GORMAN. I yield to the Senator from Rhode Island.

Mr. COLT. We are now, Mr. President, in the greatest crisis known in the world's history since the fall of Rome. Our country is the great neutral power. What the future will be it is impossible for any of us to predict. We know this fact, however, that to-day the United States of America is the great neutral power in the world. I should hope that we might play a very important part in the future, a part becoming this great Republic.

Now, that being the situation, I simply want to ask the Senator from New York this question, whether to-day we should

pass any legislation which might by any possibility be construed by the great powers of Europe as a violation of the strictest neutrality of this country? What we may possibly decide to do later when matters are more settled presents a different question.

It appears from this discussion that this bill raises a disputed question of international law, and I for one will not at this time vote for any legislation which might lead to a possible violation of international law and thus involve us with the great warring powers of Europe. Out of abundant caution, therefore, and in view of the magnitude of the interests involved, I would ask the Senator from New York whether he thinks it wise at this time, and without further consideration, to pass this legislation?

Mr. O'GORMAN. Mr. President, no Senator can read this bill and entertain the opinion or impression that it contravenes any treaty obligation. Of course, there is a possibility that some citizens of this country, acting under its provisions, may invite the criticism of one of the belligerents, and may go so far as to suffer the loss of a ship, unless the American owner is prepared at all times to demonstrate that the action was a legitimate and bona fide one, and not designed to evade the consequences of the war.

Mr. CRAWFORD. Will the Senator from New York permit me to ask him a question?

Mr. O'GORMAN. With pleasure.

Mr. CRAWFORD. The practice of taking prizes and throwing them into the court of the nation that has been guilty of making the capture is a relic of piracy. It is, I think, admitted as being one of the relics of piracy that we have not gotten rid of. Are we not unnecessarily exposing the property of Americans who have purchased ships in good faith to a situation where, as was the case in the days of the French spoliations, they will take these ships in this great war into their own ports and condemn them and sell the property? The situation that we are creating by this law presents just such a condition as would give a color of right under the old piratical practice of taking prizes and to have the little shipping we have spoliated and destroyed. It was destroyed 100 years ago by France and England, and we to-day have claims pending here, and have had for 100 years, growing out of that situation. It seems to me that we are taking a snap shot which may expose us to a repetition of the same losses as those if we are going to allow the captain and all the watches of the vessel and everybody in command of the vessel to be loyal to another Government and simply depend upon a bill of sale to establish bona fide ownership.

I remember very well in examining a great many of the cases in connection with the French spoliations the destruction of the ship's papers and how the ship's crew were treated in a very lawless way for the purpose of condemning the prize and appropriating the proceeds.

Mr. WALSH. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Montana?

Mr. O'GORMAN. I yield to the Senator from Montana.

Mr. WALSH. I think we are borrowing a great deal of trouble about this matter in anticipating things that the present situation does not present.

The Senator from Nebraska [Mr. HITCHCOCK] seems to be troubled with some fear that if our citizens should buy a foreign ship and the President should take advantage of this act and suspend the requirement that the watch officers should be American citizens we might be involved in some international trouble. I do not think there is any ground for apprehension about that matter. The character of a ship is not determined at all by the nationality of her crew. The character of a ship is determined by her ownership and by her registry.

I apprehend that if we had deemed it wise to permit American owners of American ships to employ their crews from many of the nations of the earth, and if we had such a law as that now, no nation could be heard to find fault with it. That would give us perfect liberty to hire crews of any nation, and the character of the ship would not be determined by the nationality, for instance, of the captain or the mate or any other officer, or even by the men before the mast.

So, Mr. President, that question is practically out of the matter.

Likewise some suggestion is made that we will get into difficulty if we abolish the provision of the existing law by which foreign ships are denied registry unless they are less than 5 years old. The present act permits an American to buy a foreign ship if she is not 5 years old and to give her American registry. If the purchase of a ship from foreign owners at the present time is likely to get us into trouble, we are in the same

trouble under the law as it stands that we would be in under the law as amended; in other words, we would be involved in the same trouble if we bought a ship less than 5 years old. We are simply authorizing the purchase of ships more than 5 years old.

But, Mr. President, there is not any ground for apprehension upon that score.

Mr. CRAWFORD. Will the Senator permit me?

Mr. WALSH. Gladly.

Mr. CRAWFORD. Under the second clause we are suspending the law with reference to the watches. The captain may be a foreigner and all the men in charge of the watches may be foreigners.

Mr. WALSH. Certainly.

Mr. CRAWFORD. The prize court law does not seem to be so well settled as the Senator would assume. Suppose one of these vessels flying the American flag, manned entirely by foreigners, was destined to a port of one of the belligerent nations and was loaded with a cargo that might under some rules be regarded as contraband and she was taken into port and condemned as a prize, are we not furnishing the evidence by throwing down the bars here to sustain her condemnation in a court in the port of a belligerent?

Mr. WALSH. The Senator in the question he propounded to me is assuming a whole lot of conditions quite separate and apart from the question here. He wants me to assume the case of a ship purchased under circumstances which themselves give rise to suspicion. He wants me to assume the case of a ship that is loaded with goods which may be regarded as contraband. He wants me to assume a whole lot of things. Of course, no matter what the conditions are if the ship is loaded with contraband, she is liable to confiscation.

Mr. CRAWFORD. My point is that when we permit the vessel to fly our flag and to be manned entirely by foreigners we are adding color to the case which could be made against us in a prize court.

Mr. WALSH. I wish to ask the Senator from South Dakota a question. Suppose we did not have any such law as this and suppose our laws permitted all our ships to be manned by officers of any nationality—

Mr. CRAWFORD. But—

Mr. WALSH. Would we be running any more risk than we are?

Mr. CRAWFORD. But that is not quite a case that this bill will cover. If we retain the provision that the vessel must be officered by Americans, then, assuming that the purchase is in good faith, I think she would be much less likely to be condemned as a prize than if she were found entirely in charge of a foreign crew and officers, including the captain.

Mr. WALSH. Of course that presents a legal proposition as to whether the nationality of the crew determines the nationality of the ship. There is no rule to that effect.

Mr. CRAWFORD. There is no rule to that effect, but neither is there a uniform, well-established rule governing prize courts in the matter, as I have read such rules.

Mr. GALLINGER. Mr. President, I believe unanimous consent has not as yet been given, has it, for the consideration of this bill? I have some observations to make on the bill, but I do not care to make them unless the bill is under consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JONES. Mr. President, I want to ask the Senator from New York a question before unanimous consent is granted for the consideration of the bill. I desire to ask him whether there has been an indication from any source of any desire on the part of anyone or of any company to place ships under our flag in case such legislation as this is enacted?

Mr. O'GORMAN. Yes; I know of ships that are foreign-built which, I am told, will fly the American flag if this bill is passed.

Mr. JONES. Has there been any proposition made to the Government of that kind?

Mr. O'GORMAN. I do not know.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER obtained the floor.

Mr. BRANDEGEE. Mr. President—

Mr. GALLINGER. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I send an amendment to the desk which I desire to have read.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from Connecticut.

The SECRETARY. It is proposed, on page 1, to strike out lines 8, 9, and 10, and, on page 2, to strike out lines 1, 2, and 3, and to insert the following:

That section 4132 of the Revised Statutes of the United States as amended by the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, is hereby amended by striking out the words "not more than 5 years old at the time they apply for American registry," so that said section as so amended will read as follows:

"Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the President and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section 37 of the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.' That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' so long as such vessels shall in all respects comply with the provisions and requirements of said act."

Mr. GALLINGER. Mr. President, this is a question—

Mr. CLARKE of Arkansas. I ask my friend from New Hampshire to yield to me until I can propose an amendment and have it pending.

Mr. GALLINGER. I will yield with pleasure to the Senator from Arkansas for that purpose.

Mr. CLARKE of Arkansas. I send an amendment to the desk and ask that it be read.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to amend by striking out, beginning with the word "whenever," on line 5, page 2, down to and including the word "desirable," on line 7, page 2, and to insert:

He shall find that the available supply of persons qualified under existing laws and regulations of the United States to fill the respective positions of watch officers on vessels admitted to registry by this act he shall suspend by order so far and for such time as he may find to be necessary.

Mr. CLARKE of Arkansas. The purpose of the amendment I have offered and which has just been read is to cure an obvious defect in that section, and when we reach it for consideration I wish to have a few words to say about it.

Mr. CUMMINS. Mr. President—

Mr. GALLINGER. I yield to the Senator from Iowa.

Mr. CUMMINS. In order that it may be pending before the Senate I propose the amendment which I send to the desk, to follow line 16, on page 2. I desire that the amendment shall be read.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be read.

The SECRETARY. After line 16, on page 2, it is proposed to insert:

Provided, That as to all foreign-built ships purchased by our citizens or corporations during the next year the application for United States registry must be approved by the Secretary of State before the registry is granted.

Mr. GALLINGER. Mr. President, in view of the amendments which have been offered, and which, of course, can not be given proper consideration simply from hearing them read, it occurs to me that it would be well to let this bill go over until to-morrow and have the amendments printed, so that we may have the entire subject before us; but if that is not acceded to, I want to occupy the attention of the Senate for a few moments.

Mr. O'GORMAN. Owing to the disposition made of the time for this legislative day, I am inclined to agree with the suggestion made by the Senator from New Hampshire.

Mr. GALLINGER. And will the Senator from New York ask unanimous consent that immediately after the routine morning business to-morrow the bill be brought up?

Mr. O'GORMAN. I make that request, Mr. President.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

Mr. JONES. Mr. President, before the bill is laid aside, I desire to offer a proposed amendment, to be inserted at the proper place in the bill, and have it pending.

Mr. GALLINGER. Mr. President, I shall not, of course, under our rules have a right to claim the floor to-morrow morning, but I shall then ask a little time to discuss the merits of the bill.

The VICE PRESIDENT. The Chair will do the very best he can to see the Senator from New Hampshire to-morrow morning.

Mr. GALLINGER. I thank the Chair. Let the amendment sent to the desk be read.

The SECRETARY. The amendment has already been printed, as of date August 3, calendar day August 4, and is to insert in the proper place the following:

And the President is hereby authorized, whenever in his discretion the needs of domestic trade require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of law confining the trade from points on the Atlantic coast to points on the Pacific coast and from points on the Pacific coast to points on the Atlantic coast to American ships.

Mr. JONES. Mr. President, I desire to offer and have pending another amendment to be known as section 3.

The VICE PRESIDENT. The amendment has already been printed.

Mr. JONES. I know that it has been printed, but I wish to call the attention of the Senate to it, so that it may be considered to-morrow.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. It is proposed to insert as section 3 the following:

SEC. 3. From and after 30 days from the signing of a treaty closing the war now existing in Europe all goods, wares, and merchandise imported in vessels not admitted to registration under the laws of the United States shall be subject to a duty of 10 per cent in excess of the duties imposed by the act of October 3, 1913, and all goods so imported which are admitted free under said act shall pay a duty of 5 per cent ad valorem: *Provided*, That the foregoing provisions shall not go into effect as to goods imported in the vessels of those nations with which we have treaties which said provisions contravene until said treaties have been duly abrogated, and the President is hereby directed to abrogate any treaties which would interfere with the taking effect of said provisions in the manner provided by said treaties and without delay.

Mr. BRANDEGEE. Mr. President—

Mr. SAULSBURY. I desire to offer an amendment to come in as three new sections.

Mr. GALLINGER. Mr. President, lest I forget it, I now request that the bill be reprinted with the proposed amendments in brackets or italics, so that we may have them before us precisely as it is intended to amend the bill, if the amendments are agreed to.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and the bill will be reprinted with the proposed amendments in brackets.

Mr. BRANDEGEE. I will suspend my inquiry until after the Senator from Delaware [Mr. SAULSBURY] has had the amendment which he proposes read.

The VICE PRESIDENT. Does the Senator from Delaware desire his amendment read?

Mr. SAULSBURY. I should prefer to have it read; yes.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to add three new sections to the bill, as follows:

SEC. 3. The Secretary of the Treasury, on being satisfied that not less than 90 per cent of the capital invested in any foreign-built steamship is the bona fide property of citizens, whether individuals or corporations, shall direct the bills of sale or transfer of the foreign-built steamships so acquired to be recorded in the office of the collector of customs of the proper collection district and cause such steamships to be registered as vessels of the United States by said collector, after which each of such vessels shall be entitled to all the rights and privileges of a vessel of the United States, except that it shall not be employed in the coastwise trade of the United States unless the voyage in which such vessel may be engaged requires its passage through the Panama Canal.

SEC. 4. That no sale or transfer of any steamship, or of any share or interest therein, or of any shares of capital stock of any corporation owning the same, granted registry under the terms of this act, shall be valid or of any force or effect, or anywhere be admitted as evidence of the sale or transfer thereof, or anywhere recorded, unless the same shall be first consented to and approved by the Secretary of the Treasury, and no sale or transfer even when valid and properly recorded shall relieve any vendee or transferee thereof from the conditional holding under this act; and at any time and from time to time after such grant of registry as herein provided, any steamships so registered may be taken by the United States as provided in section 4 of an act entitled "An act to encourage American shipbuilding," ap-

proved May 10, 1892, and used for any purpose for which other vessels of the United States may be lawfully used.

SEC. 5. That naval officers of the United States, active or retired, and men serving or employed in the Navy of the United States may, upon application made by them to the Secretary of the Navy, be permitted to accept such temporary service on board vessels registered under the terms of this act as may not be detrimental to the naval efficiency of the United States, without prejudice to their rank or status in the naval service, or any loss, prejudice, or detriment whatever, excepting only that while engaged on board such vessels the officers and men so engaged shall receive only such pay and compensation as they agree upon with the owners of such vessel.

Mr. BRYAN. I inquire if the bill in charge of the Senator from New York has been laid aside?

The VICE PRESIDENT. If there are no further amendments to be proposed, by unanimous consent, the bill goes over until after the morning business to-morrow.

RELIEF OF AMERICAN CITIZENS ABROAD.

Mr. SHAFROTH. Mr. President, I have been requested by the Secretary of the Treasury, the Secretary of State, and the Secretary of War to read and to ask the attention of the Senate to the following memorandum:

WAR DEPARTMENT,
OFFICE OF THE ASSISTANT SECRETARY OF WAR,
August 5.

[Memorandum.]

Private individuals or firms desiring to ship gold to Europe for the relief of distress can do so by delivering the same either to Col. A. L. Smith or Maj. J. A. Logan at the U. S. S. *Tennessee*, at the Brooklyn Navy Yard.

Specific directions as to the desired disposition of this gold must accompany the deposits. Receipts will be given. Custody will be taken and an earnest effort made to deliver according to directions. If delivery proves impossible the gold will be returned.

No fund will be received in any other medium than gold. One of the before-named officers is now on the U. S. S. *Tennessee* to receive deposits. Deposits will be received up to the time of the sailing of the vessel, which is not yet definitely determined, but it will be probably late to-night (Wednesday) or to-morrow (Thursday).

I will say, Mr. President, that there is going to be considerable gold shipped by this vessel, the U. S. S. *Tennessee*, and it is desired to give publicity to the fact that such shipments can be made on that vessel.

POSTAL SAVINGS BANK FUNDS.

Mr. BRYAN. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 7967) to amend the act approved June 25, 1910, authorizing a postal savings system.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7967) to amend the act approved June 25, 1910, authorizing a postal savings system.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from New Hampshire [Mr. GALLINGER] to the amendment reported by the committee.

Mr. BRYAN. Mr. President, so far as I am concerned I am willing that the amendment offered by the Senator from New Hampshire to the amendment of the committee shall be adopted.

Mr. WEEKS. I ask that the amendment offered by the Senator from New Hampshire to the amendment of the committee may be stated.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. In the amendment reported by the committee, on page 1, line 9, after the word "exceed," it is proposed to strike out "\$2,000" and to insert "\$1,000," and on page 2, line 2, after the words "excess of," to strike out "\$1,000" and insert "\$500," so as to make the bill read:

Be it enacted, etc., That such part of section 6 of the act approved June 25, 1910, authorizing a system of postal saving depositories, as reads "but no one shall be permitted to deposit more than \$100 in any one calendar month" is hereby amended to read as follows: "but the balance to the credit of any person, exclusive of accumulated interest, shall not exceed \$1,000," and said act is further amended so as to repeal the proviso in section 7 thereof and insert in lieu of such proviso the following: "*Provided*, That no interest shall be paid on such part of the balance to the credit of any person as is in excess of \$500."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment. Is there objection? The Chair hears none—

Mr. JONES. I do not want the amendment to the amendment to be carried by unanimous consent.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BRYAN. Mr. President, I send to the desk an amendment to be known as section 2. I do not know that it is nec-

essary to have the Secretary read it, as it has been printed and is on the desks of Senators. I desire, after line 3. on page 2, to insert the matter indicated.

Mr. GALLINGER. Will the Senator state the substance of it?

Mr. BRYAN. The amendment simply embodies section 9 of the postal savings act of 1910, with an amendment providing that the deposits of the postal savings funds may be placed in banks that are not member banks.

Mr. GALLINGER. That is all right.

The amendment is as follows:

On page 2, after line 3, insert:

"Sec. 2. That postal savings funds received under the provisions of this act shall be deposited in solvent banks, whether organized under national or State laws, and whether member banks or not of a reserve bank created by the Federal reserve act, approved December 23, 1913, being subject to national or State supervision and examination, and the sums deposited shall bear interest at the rate of not less than 2 1/2 per cent per annum, which rate shall be uniform throughout the United States and Territories thereof; but 5 per cent of such funds shall be withdrawn by the board of trustees and kept with the Treasurer of the United States, who shall be treasurer of the board of trustees, in lawful money as a reserve. The board of trustees shall take from such banks such security in public bonds or other securities, supported by the taxing power, as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt payment of such deposits on demand. The funds received at the postal savings depository offices in each city, town, village, and other locality shall be deposited in banks located therein (substantially in proportion to the capital and surplus of each such bank) willing to receive such deposits under the terms of this act and the regulations made by authority thereof, but the amount deposited in any one bank shall at no time exceed the amount of the paid-in capital and one-half the surplus of such bank. If no such bank exist in any city, town, village, or locality, or if none where such deposits are made will receive such deposits on the terms prescribed, then such funds shall be deposited under the terms of this act in the bank most convenient to such locality. If no such bank in any State or Territory is willing to receive such deposits on the terms prescribed, then the same shall be deposited with the treasurer of the board of trustees and shall be counted in making up the reserve of 5 per cent. Such funds may be withdrawn from the treasurer of said board of trustees, and all other postal savings funds, or any part of such funds, may be at any time withdrawn from banks and savings depository offices for the repayment of postal savings depositors when required for that purpose. When, in the judgment of the President, war or other exigency involving the credit of the United States so requires, the board of trustees may invest all or any part of the postal savings funds, except the reserve fund of 5 per cent herein provided for, in bonds or other securities of the United States. The board of trustees may, in its discretion, purchase from the holders thereof bonds which have been or may be issued under the provisions of section 10 of the act of June 25, 1910. Interest and profit accruing from the deposits or investment of postal savings funds shall be applied to the payment of interest due to postal savings depositors as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury of the United States as a part of the postal revenue: *Provided*, That postal savings funds in the treasury of said board shall be subject to disposition as provided in this act, and not otherwise: *Provided further*, That the board of trustees may at any time dispose of bonds held as postal savings investments and use the proceeds to meet withdrawals of deposits by depositors. For the purposes of this act the word 'Territory,' as used herein, shall be held to include the District of Columbia, the District of Alaska, and Porto Rico, and the word 'bank' shall be held to include savings banks and trust companies doing a banking business."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. WEEKS. Mr. President, before the bill is put on its passage I wish to say that, in my judgment, it is greatly improved by the amendments which have been offered. I offered some opposition to the legislation when it was before the Senate early in the summer, but I am not going to continue that opposition, on account of the improvement which has been made in the bill as amended. I do not think that even now, however, it is wise legislation or conforms to the original purpose of the postal savings-bank law.

Mr. SWANSON. Mr. President—

The VICE PRESIDENT. The Senator from Virginia.

Mr. OWEN. Mr. President—

Mr. BRYAN. I should like to have the question put.

The VICE PRESIDENT. Yes; but the Chair does not know for what purpose Senators are standing on their feet.

Mr. OWEN. I understood that the bill had been disposed of under the announcement of the Chair.

The VICE PRESIDENT. It has not been. The question has not been put on the passage of the bill.

Mr. WEST. Mr. President—

Mr. BRYAN. I simply wanted the Senator from Virginia [Mr. SWANSON] to withhold the introduction of any further matter until the Chair has had an opportunity to put the question. I am not complaining of the action of the Chair.

The VICE PRESIDENT. It is the duty of the Chair to recognize Senators when they rise and address the Chair. The

Chair can not tell whether they want to talk about the bill or whether they want something else done.

Mr. WEST. Mr. President, I rather think this legislation is injudicious, but in view of the amendments that have been offered by the Senator from Massachusetts I shall interpose no objection.

The VICE PRESIDENT. The question is, Shall the bill pass? The bill was passed.

PUBLIC BUILDING AT RICHMOND, VA.

Mr. SWANSON. I desire to submit a report from the Committee on Public Buildings and Grounds, and I ask unanimous consent for its immediate consideration. It is a very urgent matter.

The VICE PRESIDENT. The Secretary will read the title of the bill.

The SECRETARY. A bill (H. R. 11822) to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and customhouse in the city of Richmond, Va.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SWANSON. I wish to say that the Senate passed a bill appropriating \$500,000 for this purpose. The House passed a similar bill appropriating \$450,000. I simply desire to pass the House bill exactly as it was passed by the House. It is a very urgent matter.

Mr. SMOOT. Is this the Senate bill?

Mr. SWANSON. It is not the Senate bill; it is the House bill. I desire to pass the House bill, and then the Senate bill will die.

Mr. GALLINGER. The Chair lays this bill before the Senate under our rules, I suppose.

Mr. SWANSON. I ask unanimous consent for its immediate consideration.

Mr. SMOOT. What I was going to ask was whether the bill has been laid by the Chair before the Senate and referred to the committee?

Mr. SWANSON. It has been.

The VICE PRESIDENT. It has been handed down and has been referred to the committee. This is a report from the committee.

Mr. SMOOT. That is all I ask.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill? The Chair hears none. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes and directs the Secretary of the Treasury, in his discretion, to acquire, by purchase, condemnation, or otherwise, the remainder of the block, bounded by Main, Tenth, Eleventh, and Bank Streets, in which the post office, courthouse, and customhouse, in the city of Richmond, Commonwealth of Virginia, is located, at a cost not exceeding \$450,000, provided that in the judgment of the Secretary of the Treasury the public interest would be better served by acquiring said property than by acquiring another site for additional post-office facilities.

Mr. CLARK of Wyoming. I should like to ask the Senator from Virginia a question. I understood, although there was some confusion, that this bill is exactly the same as the bill that has passed the Senate, with the exception as to amount.

Mr. SWANSON. That is correct.

Mr. CLARK of Wyoming. And the Senate bill is now pending in the House?

Mr. SWANSON. It is pending in the House. The House passed this bill with some amendments. I notice that some slight amendments were made to the House bill. It leaves the authorities discretion to buy other sites if they deem it advisable.

Mr. CLARK of Wyoming. The House took no notice, then, of the Senate bill that was sent to them?

Mr. SWANSON. Yes.

Mr. CLARK of Wyoming. Did the House take notice of the Senate bill?

Mr. SWANSON. It was referred to the committee. The two bills were introduced simultaneously; but I notice that this bill includes some matters that were not included in the Senate bill, giving the authorities discretion to purchase a site elsewhere if it is found advisable.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPOSITS OF STATE BANKS AND TRUST COMPANIES.

Mr. OWEN. I ask unanimous consent for the present consideration of Senate bill 4966, which proposes an amendment to the Federal reserve act relating to the reserves held by the

State banks, and permitting them during the period of 36 months within which the system is being put in force to hold reserves now held by them; for other State banks and have them counted as if they were held by national banks.

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. NELSON. Let the title of the bill be read.

The SECRETARY. A bill (S. 4966) proposing an amendment as to section 19 of the Federal reserve act relating to reserves, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The bill has been heretofore read.

Mr. GRONNA. I ask that the bill may be again read. I am not familiar with its provisions.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 19, subsections (b) and (c) of the act approved December 23, 1913, known as the Federal reserve act, be amended and reenacted so as to read as follows:

"(b) A bank in a reserve city, as now or hereafter defined, shall hold and maintain reserves equal to 15 per cent of the aggregate amount of its demand deposits and 5 per cent of its time deposits, as follows:

"In its vaults for a period of 36 months after said date, six-fifteenths thereof, and permanently thereafter five-fifteenths.

"In the Federal reserve bank of its district for a period of 12 months after the date aforesaid, at least three-fifteenths, and for each succeeding 6 months an additional one-fifteenth, until six-fifteenths have been so deposited, which shall be the amount permanently required.

"For a period of 36 months after said date the balance of the reserves may be held in its own vaults, or in the Federal reserve bank, or in national banks in central reserve cities, as now defined by law.

"After said 36 months' period all of said reserves, except those heretofore required to be held permanently in the vaults of the member bank and in the Federal reserve bank, shall be held in its vaults or in the Federal reserve bank or in both, at the option of the member bank.

"(c) A bank in a central reserve city, as now or hereafter defined, shall hold and maintain a reserve equal to 18 per cent of the aggregate amount of its demand deposits and 5 per cent of its time deposits, as follows:

"In its vaults, six-eighths thereof.

"In the Federal reserve bank, seven-eighths.

"The balance of said reserves shall be held in its own vaults or in the Federal reserve bank, at its option.

"Any Federal reserve bank may receive from the member banks as reserves not exceeding one-half of each installment, eligible paper as described in section 13 properly indorsed and acceptable to the said reserve bank.

"If a State bank or trust company is required or permitted by the law of its State to keep its reserves either in its own vaults or with another State bank or trust company or with a national bank, such reserve deposits so kept in such State bank, trust company, or national bank shall be construed within the meaning of this section as if they were reserve deposits in a national bank in a reserve or central reserve city for a period of three years after the Secretary of the Treasury shall have officially announced the establishment of a Federal reserve bank in the district in which such State bank or trust company is situated. Except as thus provided, no member bank shall keep on deposit with any nonmember bank a sum in excess of 10 per cent of its own paid-up capital and surplus. No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this act except by permission of the Federal Reserve Board.

"The reserve carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal Reserve Board, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities: *Provided, However,* That no bank shall at any time make new loans or shall pay any dividends unless and until the total reserve required by law is fully restored.

"In estimating the reserves required by this act, the net balance of amounts due to and from other banks shall be taken as the basis for ascertaining the bank deposits against which reserves shall be determined. Balances in reserve banks due to member banks shall, to the extent herein provided, be counted as reserves.

"National banks located in Alaska or outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks, except in the Philippine Islands, may, with the consent of the reserve board, become member banks of any one of the reserve districts, and shall, in that event, take stock, maintain reserves, and be subject to all the other provisions of this act."

Mr. GRONNA. I do not happen to have the present law before me. I should like to ask the Senator from Oklahoma in what respect this bill differs from the present law?

Mr. OWEN. If the Senator will observe the calendar print, he will find on page 3 the changes that are made.

Mr. GRONNA. I have that bill before me.

Mr. OWEN. In line 3, on page 3, the word "thirteen" is inserted instead of "fourteen," "thirteen" having been an error in the original bill. In the succeeding paragraph is the only change that is made. Otherwise it is merely a repetition of the same section, for the convenience of those who would have to inspect the changes made.

The purpose of it is, in the second paragraph of page 3, to permit State banks which are coming into this system to retain deposits of other member banks during the 36 months within which the change is made from the present system to the new Federal reserve system. It simply protects the State banks to that extent.

Mr. GRONNA. I have no further questions.

Mr. BURTON. Mr. President, on a prior occasion when this bill was up I called the attention of the Senator from Oklahoma to what seemed to me to be an error in the designation of the section of the Federal reserve act to which reference is made. It now reads "section 13 of the Federal reserve act." What was the section originally given in the bill as introduced? Mr. OWEN. Fourteen, which related to open-market operations.

Mr. BURTON. And the change has been made to section 13? Mr. OWEN. Yes; so as to describe the notes which are referred to in section 13.

Mr. BURTON. And that is in accordance with the provisions in regard to reserves contained in the original act?

Mr. OWEN. Yes; section 13 of the Federal reserve act.

Mr. BURTON. This does not affect the nature of the reserves?

Mr. OWEN. No. I think it makes it what it was intended to be in the first instance. If the Senator has before him the Federal reserve act, section 13—

Mr. BURTON. I have it.

Mr. OWEN. It provides that—

Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national bank notes, Federal reserve notes, or checks and drafts upon solvent member banks, payable upon presentation; or, solely for exchange purposes, may receive from other Federal reserve banks deposits of current funds in lawful money, national bank notes, or checks and drafts upon solvent member or other Federal reserve banks, payable upon presentation.

Upon the indorsement of any of its member banks, with a waiver of demand, notice, and protest by such bank, any Federal reserve bank may discount notes, drafts, and bills of exchange—

And so forth. This reference should be to section 13.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended by striking out the word "as," so as to read: "A bill proposing an amendment to section 19 of the Federal reserve act relating to reserves, and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 5313) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same; and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 6031) authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House insists upon its amendment to the bill (S. 5673) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAYLOR of Colorado, Mr. FERRIS, and Mr. FRENCH managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4969) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5278) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5501) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendments of the House to the bill (S. 5899) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15959) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16345) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 16053. An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910; and

H. J. Res. 314. Joint resolution for the relief, protection, and transportation of American citizens in Europe, and for other purposes.

HOUSE BILL REFERRED.

H. R. 16053. An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, was read twice by its title and referred to the Committee on Commerce.

RELIEF OF AMERICAN CITIZENS ABROAD.

H. J. Res. 314. Joint resolution for the relief, protection, and transportation of American citizens in Europe, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

Mr. MARTIN of Virginia subsequently said: From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 314) for the relief, protection, and transportation of American citizens in Europe, and for other purposes, and I ask unanimous consent for its present consideration.

Mr. SMOOT. Let the joint resolution be read.

The Secretary read the joint resolution; and their being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that for the relief, protection, and transportation of American citizens, and for personal services, rent, and other expenses which may be incurred in the District of Columbia or elsewhere in connection with or growing out of the existing political disturbance in Europe, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500,000, to be expended at the discretion of the President: *Provided*, That American citizens to whom relief is extended or transportation is furnished hereunder shall pay to or reimburse the United States all reasonable expenses so incurred, respectively, on their account, if financially able to do so. In the execution of the provisions hereof the President is authorized to employ any officers, employees, and vessels of the United States and use any supplies of the Naval or Military Establishments, and to charter and employ any vessels that may be required.

A detailed statement of all expenditures hereunder and under the appropriation of \$250,000 made in the joint resolution approved August 3, 1914, and of all amounts reimbursed to the United States of such expenditures shall be made to Congress on or before the beginning of its next regular session.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SULPHUR RIVER BRIDGE, TEXAS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6031), authorizing the Board of Trade of Texarkana, Ark.-Tex., to

construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas, which was, in line 5, to strike out "public highway."

Mr. SHEPPARD. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4939) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 5, 8, 9, 10, and 12, and agree to the same.

That the House recede from its amendments numbered 1, 4, 6, 7, and 11.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,

Managers on the part of the Senate.

JNO. A. KEY,
EDWARD KEATING,
SAM R. SELLS,

Managers on the part of the House.

The report was agreed to.

Mr. JOHNSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5278) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 7, 8, 9, 11, 13, and 15, and agree to the same.

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert the sum "\$24"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert the sum "\$24"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "\$24"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and in lieu of the sum proposed therein insert the sum "\$40"; and the House agree to the same.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,

Managers on the part of the Senate.

JNO. A. KEY,
EDWARD KEATING,
SAM R. SELLS,

Managers on the part of the House.

The report was agreed to.

Mr. JOHNSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5899) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent

relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 7, 8, 9, 11, 13, 15, 16, 17, and 18, and agree to the same.

That the House recede from its amendments numbered 10, 12, 14, 19, and 20.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum of "\$12"; and the House agree to the same.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,

Managers on the part of the Senate.

JNO. A. KEY,
EDWARD KEATING,
SAM R. SELLS,

Managers on the part of the House.

The report was agreed to.

Mr. JOHNSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5501) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 5, 6, 7, 8, 10, 13, 15, 17, 18, and 19, and agree to the same.

That the House recede from its amendments numbered 4, 9, and 16.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "\$50"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and in lieu of the sum proposed therein insert the sum "\$30"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the sum "\$24"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the sum "\$30"; and the House agree to the same.

CHARLES F. JOHNSON,
WM. HUGHES,
REED SMOOT,

Managers on the part of the Senate.

JNO. A. KEY,
EDWARD KEATING,
SAM R. SELLS,

Managers on the part of the House.

The report was agreed to.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS: I move that the Senate resume the consideration of the trade commission bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. WEST. Mr. President, I am aware of the fact that the Senators are well worn out with long discussion upon the pending measure, but I have not occupied the time or the attention of the Senate at all up to this time, and I say now that I shall spend but a short time in the consideration of the bill. I was glad to hear the Senator from Nevada [Mr. NEWLANDS] say this was not a party measure. I shall not attempt in the consideration of the matter to go into the legal construction of "unfair competition," "unjust discrimination," or the question of "restraint of trade."

These questions have been discussed at great length by the learned lawyers of the Senate, even by a former justice of the supreme court of his State who had been long upon the bench. These men who have "walked the mountain ridges of the law," I think, at times have been illuminating in their discussion. Yet as I have listened and become pretty well satisfied with the contention of one side I am confused by the discussion on the other side of the pending measure.

We are embarking upon a great ocean of doubt and trouble. We are venturing upon an untried and uncharted sea. In my judgment, there is more trouble in this legislation for this country than there has been in any piece of legislation in recent years.

In the first place, I am opposed, unless there is extreme necessity for it, to the multiplication of bureaus and commissions; and nobody knows, as it has been attempted to estimate the number here, the number of employees under the Government that will exist under this commission.

Mr. President, it is well known that there have been up to this time substantially three bills before the House and the Senate. The committee brought out a bill entirely different from that which was brought into the Senate from the House. Here we are to pass upon a bill that is entirely different from the one that has come out of the committee. Who knows, then, what is proper legislation upon this great question, one that is of vital interest to this country, because it concerns every detail of its business throughout its broad expanse? Who knows what power they have given this commission that is to pass upon the business of every individual, partnership, association, and corporation? They have been given arbitrary power and plenary power to do, it seems to me, just as their consciences dictate. They must pass upon what is unfair competition. They must construe it, and to what extent they will disturb the business conditions of the country nobody at this time can opine. They are entering upon a new field, when, if there is any statute necessary to go upon the books, we have a well-devised system to which they could appeal. Some members of the commission no doubt will be laymen; and their construction of what is unfair competition is to be taken instead of that of the courts of this country.

The Senator from Iowa [Mr. CUMMINS] said some days ago that this commission would not be omniscient, but in my judgment it will be omnipotent, and acting through its attorneys, its accountants, its experts, its examiners, its agents, and special agents and employees, it will be well-nigh omnipresent. They will search every nook and corner of this country in order to get after people who are presumably violating this law. They may be taken from the Atlantic to the Pacific, from the Lakes of the north to the green-fringed borders of the Gulf of Mexico, hauled away from their business these long distances here to go before this commission, when if they had a statute on the book covering this matter they could be brought up in the courts at their homes.

This is a great power that Congress seeks to confer upon the commissioners who are created under the bill, and, in my judgment, it is an unwarranted power.

And, too, will not this law, handled by these commissioners, interfere with existing laws upon the statute books? That is a serious question for Congress in considering this measure to decide.

Our courts, Mr. President, like the gates of Janus, are always open to the oppressed of this country, and it is here that our courts, the best system of any country on the face of this earth, can daily remedy any injustice that has been done under a law that might be put upon the statute books.

I imagine, Mr. President, many of the Senators are consoling themselves that in the end they will reach the rainbow where there is a bag of gold. I am fearful that they are largely mistaken. It is a mirage that they see in the heavens that eludes them as they approach it.

Mr. President, the power is given to this commission to go out into almost every business in every State of this Union to pass upon it, to see whether that business is being done correctly, lawfully, under this law.

In order that I may give a concrete case, here in the city is a partnership or individual engaged in the sale of chickens. Some person or corporation comes along and establishes a cold-storage business. It is well known that in the sale of such things they can not compete with cold storage in this business. Now, would this commission, for it is left entirely with them, decide that this cold storage could not come there if it undersells those who have been selling the poultry in the old way? That would be a question entirely for this commission, and it would be one in which they could bring the officers of this cold-storage business before them.

I gave the other day the matter of grain drills as an instance. Suppose some corporation not so powerful had engaged in that business, had had fair success, and had a large number of grain drills manufactured and on hand, which, becoming oppressed by their obligations, they must sell. Perhaps the corporation not so strong financially could sell those grain drills below cost and live. Yet, in my judgment, this commission has the power, the plenary power, to come in and hale the officers of this corporation before them and declare their business to be illegal, unfair competition.

There is another serious feature. It is known, Mr. President, that I am, as I have stated, very much opposed to commissions and bureaus under the Government, and that they should only be created in a case where there is an extreme necessity existing for them. It is known, as has been stated upon this floor, that the Interstate Commerce Commission, handling the railroads and other public-utility corporations of the great States of this Union, now costs the Government \$3,500,000 per annum. Nobody knows to what extent this commission, with its multiplicity of agents and employees, would cost the Government. It has been variously estimated at from about \$58,000,000 up into the hundreds of millions of dollars.

That is not the worst feature. This great debt that is to be heaped upon the Government annually would not be the worst feature, in my judgment. It would bring many an individual, firm, or corporation before it and, in my judgment, precipitate it into bankruptcy when it might otherwise go on and do a prosperous business. Nobody can anticipate the immense cost it would be to a concern to be haled from the utmost limits of the Union before this commission here in Washington, and if a firm or corporation had scant means, you can see the inevitable result.

Mr. President, this is a great Government, and I for one regret to see the step taken that is going to be taken to-day in passing this bill in the shape that it is. I think we but move back the hand upon the dial plate of progress.

Suppose the great men like Webster and Calhoun and Clay, accustomed to construing the Constitution, could see this measure laid before the people at this time, what would they think of such legislation?

It has been said that this commission would be governed by the rule of reason. Who knows but what they may be controlled in their decisions by the rule of unreason. Yet there is not an adequate remedy beyond them.

As I have stated, they have the right to search every nook and corner of this great country and practically ruin business where they have assailed it, and it may be that they have done it through others jealous of the prosperity of any particular business. They have the right to receive suggestions, search in the innermost corners, examine the books, send these pestiferous myrmidons into the innermost recesses of a man's business, and bring it up and lay it before this commission.

And yet, Mr. President, this is the great panacea they have offered for the ills that are prevailing in this country, when our courts of justice are standing open to every man who is injured by virtue of unfair competition, and there is a law existing already, a law without the enormous multiplication of offices, agents, accountants, and experts, and examiners, in order to ferret out these things.

There is another thing and a higher thing, in my judgment, and that is the interference with State rights. These great rights that the States have reserved unto themselves, that sacred heritage that has come down to us from our forbears, are being laid aside and these emissaries, these experts and examiners are permitted to go into a State and unearth whatever they may see fit to expose.

I do not, Mr. President, believe that the Senators here feel and see the full consequence of this legislation, to what extent it will interfere with State rights, because it has been held in some of the States—I believe in Colorado—that where a railroad intrastate carries a single item which goes beyond its bounds is subject to the Interstate Commerce Commission.

While I should like to see enacted some legislation looking to the betterment of the condition of this country so as to relieve the people who have been suffering from unjust, unfair competition, I am fearful that this bill—and that is practically the threat that has been before this body—is too ill-digested for it to become a law and to be placed upon the statute books.

For myself, if this bill comes to a final vote in the shape that it seems it is going to pass, I must cast my vote against it.

Mr. SMOOT. Mr. President, if no Senator desires to speak upon the bill at this time—

Mr. BRANDEGEE rose.

Mr. SMOOT. Does the Senator from Connecticut desire to speak?

Mr. BRANDEGEE. Mr. President, I desire to read the unanimous-consent agreement and ascertain what it provides. I was not here when it was entered into. It appears that at not later than 2 o'clock the Senate will proceed to vote upon amendments. After that time, I assume, only 10-minute speeches will be in order.

Mr. SMOOT. If no Senator desired to speak at this time, I was going to ask unanimous consent for the consideration of unobjected bills on the calendar under Rule VIII until 2 o'clock.

Mr. GALLINGER. I had intended, Mr. President, to make some brief observations on the bill, but it has been discussed so fully and there is such a variety of opinions now before the Senate that I have concluded to spare the Senate the necessity of listening to me. I will simply say, Mr. President, that the old conundrum, "when doctors disagree who shall decide," was once wisely solved by a man who said that while the doctors were disagreeing the patient either died or got well; and, as a layman, I might well ask, when lawyers disagree, as they have disagreed in regard to this bill, how can a man not versed in law come to a wise conclusion, except to follow his conscience as he interprets the matter for himself without reference to the legal questions involved?

I have listened very attentively to the debate; I have heard the term "unfair competition" discussed—I have heard it said that it was easy of interpretation, and have heard it said that it was impossible of interpretation except by the Supreme Court of the United States, even if the Supreme Court could accomplish that task; and my mind is so disturbed over the legal propositions involved in this matter that I shall not undertake to reach a conclusion from that point of view.

But, Mr. President, from the other point of view, the view that takes into consideration the rights and the needs of the business men of this country as they exist to-day under the intense rivalry that is going on and under the conditions of business that now exist, I have made up my mind that it is my duty to vote against the bill upon its final passage. In doing this, I am fully satisfied that the laws now on the statute books, if faithfully enforced, are fully adequate to regulate and control all the business of the country that needs regulation and control, and to go beyond that by legislation is simply to subject the business of the country to unnecessary espionage and annoyance.

Mr. BRANDEGEE. Mr. President, it is not my intention at this point to take any considerable time of the Senate. I agree with what the Senator from New Hampshire [Mr. GALLINGER] has said, that the bill has been debated in all its phases exhaustively; and I think properly so. I do not consider the time devoted to it to have been wasted, and I think that even Senators who early after the committee had reported the bill thought that it ought to be acted upon almost immediately will now admit that the questions involved in the bill not only justified but demanded the somewhat extended consideration which has been given to them.

I desire to say that I think the debate that has proceeded upon the floor of the Senate has been worthy of the great subject involved. I have been told by gentlemen whose opinion I respect, who are not members of this body, that they considered that the debate upon the legal questions and the governmental policies involved in this bill which has taken place upon this floor to be worthy of the best traditions of the Senate. While I am not in the business of throwing any bouquets at the Senate or at myself, it did gratify me to hear from professional men that they thought the debate upon this measure was worthy of the cause.

Mr. President, I am informed that on the 3d of August of this year, day before yesterday, the telegram which I now send to the desk was sent to the two New York Senators and to the chairman of the committee which reported this bill [Mr. NEWLANDS] from the Merchants' Association of New York, a distinguished body of men representing the largest commercial and mercantile concerns in the United States. There are 3,300 members of this association. I will ask the Secretary to read their telegram, not having seen it printed in the RECORD.

The PRESIDING OFFICER (Mr. MYERS in the chair). The telegram will be read as requested.

The Secretary read as follows:

The industry and commerce of this country, already disturbed by the necessity of readjustment to new conditions created by tariff and currency legislation, is suddenly confronted by the paralyzing effects arising from the possible, if not probable, suspension for an indefinite period of foreign commerce and of international trade and financial relationships. Under such circumstances additional readjustment to comply with the terms of pending antitrust legislation, irrespective of the merits of the pending bills, would constitute a burden which our industry and commerce may be unable to bear and would be likely to precipitate a crisis so serious as to constitute a national calamity.

The Merchants' Association of New York therefore respectfully urges that further consideration of and action upon any of the antitrust bills now pending be immediately postponed until a later session of Congress.
THE MERCHANTS' ASSOCIATION OF NEW YORK,
W. A. MARBLE, President.

Mr. BRANDEGEE. Mr. President, I am perfectly aware that no consideration whatever will be given by the Senators who are going to vote for this bill to the opinion of these 3,300 business men, representing the largest business interests in the country. Senators who are going to vote for the bill think that they are better judges of what the business situation requires than are those thousands of men engaged in business. With that I have no quarrel. Each Senator must make up his own mind whose judgment to follow, if he is not going to follow his own, and make up his own mind whether his judgment accords with the President of the United States, as representing the business interests of the country, or with the business interests of the country themselves.

The strongest argument made in behalf of the passage of this bill is that it will remove uncertainty from the minds of business men. The President has a way of stating that. He says an interrogation point confronts the eyes of the business men at the present time, and that the passage of this bill and of the other bills which he is urging will remove that interrogation point. Mr. President, that is the merest assertion, and an erroneous one, in my opinion. Of course, the President is perfectly entitled to his opinion. With me it counts no more than the opinion of any other gentleman and scholar and not so much as the opinion of men who, in my opinion, are better qualified to judge of the situation than is the President of the United States.

The President of the United States is a scholar, a very distinguished gentleman. His life has been spent in writing histories and in taking books off shelves and opening them and reading them and comparing them with other books. He has never had a day's experience in his life in any sort of business which he is now apparently intimately cognizant of and of the needs of which he thinks he is a better spokesman than the business men themselves.

Mr. President, if there is an interrogation point in front of the eyes of the business men now, there will be hundreds of interrogation points in front of their confused vision after these bills have passed. There never was a more confusing subject put up to a business man or to the judges who are to decide the question than the interpretation of the vague, ambiguous words "unfair competition." Anybody who can claim that the mere declaration by Congress that "unfair competition is unlawful," conveys any definite meaning to the mind of anybody to be affected is—well, his state of mind, in my view, is so confused that he is not a safe guide to follow.

Mr. WEST. And, Mr. President, that term may be construed by laymen.

Mr. BRANDEGEE. The Senator from Georgia has seen how we lawyers differ as to its construction, and he knows as a business man and a lawyer, if I mistake not—

Mr. WEST. I used to be.

Mr. BRANDEGEE. As to the difficulty the business community may have in trying to interpret it. Anybody can guess as to how the five members of the commission to be created may interpret it.

Mr. GALLINGER. Mr. President, may I ask the Senator from Connecticut a question?

Mr. BRANDEGEE. Certainly.

Mr. GALLINGER. The Senator from Georgia [Mr. WEST] discussed a point that I intended to touch upon had I taken any time, and that was as to the army of officials who are to traverse the country from one end to the other.

As I understand the matter, a business man in Georgia or, for that matter a business man in the State of Washington, represented by the Senator into whose face I am now looking [Mr. JONES], 3,000 miles away from the Capital, or nearly that, may be visited by one of these so-called inspectors. He demands to see the books; I suppose he gets the combination of the safe; possibly, he tells the proprietor that he can take a little vacation while he looks over his establishment; he reports to the trade commission that there is something wrong with the business of that man, and I suppose that man is notified by the commission to appear in Washington, is he not, to defend himself? I will ask the Senator from Connecticut.

Mr. BRANDEGEE. Oh, yes.

Mr. GALLINGER. He comes to Washington at his own expense; he is investigated, and if the trade commission finds that the inspector or agent or clerk, or whatever he is, was superserviceable and found something that did not exist—and such agents are very apt to do that; that is the function of the underlings in the departments; they do not get promotion unless they find something somewhere—if he finds that he

was mistaken and that there is nothing against this man, as a matter of fact, still the man is under the humiliation of being suspected, of being charged with wrongdoing, of having to come to Washington; his neighbors and his competitors know that fact and even—

Mr. WEST. Mr. President—

Mr. GALLINGER. If the Senator will permit me just one more word, and, even though he is cleared of the suspicion or the accusation, as I understand, the Attorney General can call him to account later on for the same alleged offense. Am I right in that, I will ask the Senator?

Mr. BRANDEGEE. In my judgment, that is correct, provided the offense, in the opinion of the department, constitutes a restraint of trade.

Mr. GALLINGER. Certainly. The Senator from Georgia—and I listened to him carefully on that point, and it was a point which I had intended myself to discuss—correctly states that this bill establishes a system of espionage over the business interests of this country such as no other country in all the world has ever undertaken to exercise. I do not think anything like it exists in Russia, and I do not think anything like it exists in any other civilized or uncivilized nation. I can not help feeling that this is unwise legislation.

Mr. WEST. Mr. President, I started to say, if the Senator from Connecticut will permit me—

Mr. BRANDEGEE. With pleasure.

Mr. WEST. That the individual who is brought here from the State of Washington at his own expense may be in the direct need of every dollar he can command in his business.

Mr. GALLINGER. Certainly.

Mr. BRANDEGEE. That is true, Mr. President. Of course, it is one thing for Members of Congress who may not be men of large business affairs and perhaps for many of us lawyers to sit down and to put words upon paper upon this subject, having a theory in our minds as to how the provisions which we may draft will work. It is quite a different thing when the whole system gets into action and it becomes a practice rather than a theory. Of course, those who bring forward a measure which they think is going to improve conditions always become overenthusiastic as to the beneficial effect to be produced. That is human nature; that is inevitable.

Mr. President, to illustrate, the same rosy predictions were made by our friends when they undertook to revise the tariff. I do not refer to that now in a spirit at all of political controversy and most certainly not in a spirit of boasting, but in a spirit of regret more than anything else. We remember the rosy and enthusiastic prophecies that were made by Members of the majority who passed the last tariff law; we remember the hosannas, the paeans of victory, and the congratulations to the country that issued from the portals of the White House; we remember the gorgeous—I will not say pompous, but perhaps regal—phrases in which those exultations were couched. Apparently the result anticipated did not arrive on schedule time, whereupon the same prophecies and the same procedure were indulged in with reference to the legislation providing for the creation of the Federal Reserve Board. The same or similar results having obtained, now some other fillip, accompanied by the usual optimistic and joyous exclamations, is to accomplish the purpose which the other two measures did not accomplish. So I say it is natural that the people who propose this particular legislation at this time in their desire to see it enacted, in their auto-intoxication of enthusiasm, are altogether too optimistic as to the results which will be obtained by it.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. BRANDEGEE. Certainly.

Mr. CUMMINS. I think the Senator from Connecticut overlooks one fact when he is imputing this legislation to the Executive Office. I have been quite as insistent as I think any other Senator has been in endeavoring to keep separate and independent the several functions of the respective branches of the Government, but for three or four years there have been pending before the Interstate Commerce Committee bills, introduced in part by Senators upon the other side of the Chamber and in part by Senators upon this side of the Chamber, which embodied all the principles of the pending legislation and which in their details were strikingly similar to it.

I had it in my mind some time before the debate closed to call the attention of the Senate to the bills which have been introduced by Senators upon this side of the Chamber touching the general subject. The senior Senator from Minnesota [Mr. NELSON], the junior Senator from Minnesota [Mr. CLAPP], the Senator from Washington [Mr. JONES], the Senator from Kansas [Mr. BAISTOW], and the Senator—well, I can not now recall

more, but I have a list of them which shows that the greater number of these bills have emanated from the Republican side of the Chamber. I hope that the Senator from Connecticut will not believe that in favoring some part of this legislation his associates upon this side of the Chamber have been coerced into their position through the interference of any other department of the Government.

Mr. BRANDEGEE. Mr. President, I did not mean to say that, and I do not think I did say that. What I intended to say was that I thought the proponents of this legislation were indulging in too hopeful a view of the beneficial results that would probably ensue from it, and I instanced the rosy prophecies that to my mind have been woefully lacking in fulfillment with relation to the beneficial results that were to flow from the Democratic tariff revision and from the enactment of the bill providing for the Federal Reserve Board.

I know perfectly well, of course, that there are various Republicans who have in years past and up to the present time been, and now are, in favor of a Federal trade commission, differing among themselves as to the exact powers that it should have. Of course I class those Republicans with the Democratic promoters of this bill as among those who, I think, are overenthusiastic about the beneficial results that will flow from the enactment of the bill.

What I do say is that were it not for the firm insistence, an insistence amounting to domination, of the gentleman who now is in the White House, the President of the United States, Congress would not now be considering this bill or any other bill; Congress would be home; and the country would be more at peace than it is at present.

The business of the country and the business men who are doing their best to hang on and escape from failure and disaster are not demanding this legislation. With the institutions of the old world crashing in anarchy and chaos, with our own exchanges closed all over the United States, with Congress issuing a half billion dollars' worth of emergency currency and passing bills every day taking millions of dollars out of the Treasury to provide relief funds to get our citizens back—I say that under these circumstances there is no demand whatever in this country for this Congress, which has now been in session consecutively and continuously for nearly 20 months, to sit here debating over the establishment of a Federal trade commission to boss private business and individuals all over this country and to employ a horde of inspectors and field examiners and informers to spy upon the business of this country. I say that it is inconceivable to me that a sane mind, in view of the questions that have been raised here on this floor, which are not to be waved aside or treated with disdain, because they have troubled the most eminent lawyers of this body, men who have sat upon the highest courts in their respective States, can conceive that this legislation is certain or that it removes any uncertainty that now exists. It is perfectly evident to everybody that it creates uncertainty; that it stirs up and invites the very troubles it hypocritically and falsely advertises to relieve.

There is not a word in the whole trade-commission bill that is a help to business of any kind. It is said, "Oh, business needs help." Why, there is nothing in this bill to help it in any way. Whose business is going to be helped by turning a horde of Government inspectors upon it in times like these?

As I have said before, the men who are quoted as favoring this bill either do not understand it or are grossly deceived about it. I have just put into the Record a telegram from the Merchants' Association of New York, a body of 3,300 of the most eminent merchants in this country, saying the mere discussion of the bill and the proposition to pass it, and the other bills also, is a blight upon the industry of the country and an additional source of anxiety. Who will pretend but that for the arbitrary insistence of the President of the United States, who declines to let his party adjourn Congress until they have passed laws which he says should be passed, Congress would have adjourned before now?

They talk about his legislative program. Well, I am sorry I ever lived to hear such words on the floor of the Senate of the United States. Congress should have its legislative program; the President is entitled to his Executive program, but, in my opinion, should confine his attention to that.

It is perfectly proper for him in his message, as he did six months ago, to suggest legislation to which he desired to direct the attention of Congress and to advise Congress to pass it, but for him to take the position practically that he will regard it as a betrayal of him or of the Democratic Party if the great Congress of the United States presumes to adjourn without passing such laws as he demands they shall pass as the price of his consent that they shall adjourn, he exceeds his jurisdiction;

he goes too far. Such conditions are not healthy in a free, democratic Republic; and it is by submitting to such dictation as this that Congress is losing the confidence of the country, and the power is gradually being concentrated in the hands of the Executive at Washington.

I ask permission to insert in my remarks the three articles which I send to the desk.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

PERSONAL GOVERNMENT.

To the EDITOR OF THE EVENING POST.

SIR: May I say a word in your columns about the new theory of government embodied in the so-called Stevens amendment to the trade commission bill? Its epochal character has not, I believe, received the attention it deserves. It presents, in substance, Mr. Perkins' plan for a business court. Its governing principle was first urged by Mr. Roosevelt, when, as President, he asked, in effect, for a law broad enough and elastic enough to enable the Executive to pick the sheep from the goats in its enforcement. That is the principle of the Stevens amendment, which prohibits unfair competition without defining it, and empowers the commission to prohibit any act which it finds to be unlawful. It requires the court to enforce the order of the commission. Concededly, the court will not enforce an order that is arbitrary or unwarranted. That is not the point. The point is that there is no law except the Executive mandate. The statute—the so-called law—is merely a club to be wielded at will among those who come within the broad domain of "unfair competition." There is, in effect, no crime except the failure to obey an order, if, when, and as received. It is personal government, pure and simple, subject only to review by the courts where the order is not within the broad power conferred on the commission. It is opposed to the cardinal precepts of a democracy, which, in the words of the Massachusetts Bill of Rights, is "a government of laws, and not of men." It means Executive control of private business, which the United States Supreme Court, speaking by Justice Matthews, in the Yick Wo case, characterized as "intolerable in any country where freedom prevails, as being the essence of slavery itself."

It is natural that this proposal should appeal to some business men as a less painful alternative to a statutory code of business ethics. That, also, is not the point. It is better to suffer for a while from foolish laws, incapable of enforcement, than to change our principles of government and surrender our business freedom to the control of a Federal bureau. We know the possibilities of favoritism and worse under such a system. But that, again, is not the point. The point, I repeat, is business freedom, and it affects not only the welfare of to-day but the future of American civilization. Let me add, that I see no harm in a Federal commission, charged with the highly important duty of investigating actual violations of the law, and directing its enforcement by the Attorney General and several district attorneys.

It may be said that the enforcement of every law, as a practical matter, involves discretion, and that this discretion is notoriously abused, so that an express statute, putting the law entirely in the control of a commission, merely recognizes an existing practice. I would say in reply that this change makes an institution out of an abuse in our present system, and that the essence of this institution is to vest in the Executive the right to prohibit anything that comes within a broadly defined field of legislation. Its logical development must be a general prohibition of everything wrong, with power in the Executive to issue an order of prohibition whenever he finds a particular act to be wrong, the courts to punish any disobedience of the Executive order. The legislature might just as well go out of existence, leaving the courts in power both to enforce obedience to the Executive will, and to keep the Executive within the constitutional restrictions still remaining of the protection of the individual. How long these restrictions would remain under such conditions, I leave to the good judgment of the reader.

With due respect to President Wilson, the fact is that, distrusting, and, in a measure, controlling Congress and yielding to outside influences he should reject, he is seeking to compel Congress to surrender its legislative powers over interstate commerce to his nominees. That is the substance of the situation in Washington.

ROBERT R. REED.

NEW YORK, July 13.

THINKS NATION NEEDS LESS "PSYCHOLOGY"—REED TELLS BANK SUPERVISORS FEWER NEW LAWS WILL AID PROSPERITY—SEES DEMOCRACY IN PERIL—BELIEVES BLOWS TO INDIVIDUAL LIBERTY BY ACTS ENDANGER FREEDOM.

ATLANTIC CITY, N. J., July 7.

"We are, I hope, about to emerge from a psychological depression. Our successful emergence is dependent on many things, not the least of which is a decrease in psychological legislation; that is, legislation for popular effect, as opposed to legislation directed to a real public good. The enterprises of the country, of your several States, are waiting, and the investment banker is waiting."

This hope was expressed to-day by Robert R. Reed, general counsel to the Investment Bankers' Association of America, in an address before the National Association of Supervisors of State Banks at its convention in the Marlborough-Blenheim Hotel. His subject was "Regulation of the business of the investment banker in the issuance and sale of securities."

"The securities which the investment banker wishes to distribute to the investors of the States," Mr. Reed said, "are the securities sold by the public utilities and industries of the States. Both the enterprises and the investors look to him to purchase competitively at wholesale and sell competitively at retail, to reach the best market with each security, to get the needed capital for industry on the best possible terms. That he can do and will do if the freedom of interstate business is maintained. He can not hope to do it adequately if that freedom is seriously impaired."

SEES DISASTER IN MANY LAWS.

He said that the original purpose of "blue-sky" legislation had been to reach the "get-rich-quick" concern, and expressed the view that legislation confined to such concerns was practical and constitutional. Many of the laws adopted apply to dealers in high-grade investment securities, he continued, and subject the whole business to executive control, which he declared was unconstitutional and disastrous on industry and investment.

"A relatively few constructive and democratic reforms intelligently applied," he said, "would do the work intended by the mass of un-

telligent, largely unconstitutional statutes from which the whole country is suffering. I wish to emphasize the vice of extending Executive control by the Executive or by commissions over the essentially private transactions and callings of the individual. There are limits beyond which the legislature may not go, either constitutionally or safely, in interfering with the freedom of the individual."

Mr. Reed said he believed the proper administrative activities of Government can be better carried on by trained bodies divorced so far as possible from political influence and holding office for a considerable term of years.

"The real issue to-day is not government by commission," he said. "It is the preservation of the efficiency of such government on the one hand by confining it to the great objects of administrative action and the preservation of democracy on the other hand against the unwarranted encroachment of Executive control over the individual."

ENDS DEMOCRACY, HE SAYS.

"Democracy consists in the essential liberty of the individual. The privilege of running a railroad or a bank or of being a corporation is not a part of this liberty. It is accepted and exercised subject to administrative control."

"But the right to buy and sell lawful property, to lend and borrow, is a part of individual liberty. This liberty may be subjected to general laws to prevent abuses. It may not, however, be prohibited, and it may not be subjected to the will or discretion or control of the Executive. It ends, and democracy ends, where personal government begins."

"The American people believe in democracy and in their constitutional safeguards," he added. "They do not, and never will, believe in paternalism as a political principle. Such a change, if it comes, will come gradually, and in a sense unconsciously, as we progress or retrogress in the effort of our legislatures to solve each difficulty by the classic dictum, 'Let George do it.' Just now the fashion is, 'Let Woodrow' or 'Let Teddy do it.'"

"We can not legislate human perfection under a democracy, nor can any monarch on earth create it by word of mouth. We can and we should, however, correct the great evils that have for many years enjoyed immunity from successful attack."

WANTS NO "PRIVATE BANKS."

"Private banks have outlived their usefulness," said E. H. Doyle, Banking Commissioner of Michigan, in an address to-day. He urged that private banks be abolished.

A resolution to that effect will be presented at to-morrow's sessions. Many of the bank supervisors endorsed the proposition.

"Public interest in private banks is becoming more tense from year to year," said Mr. Doyle. "It is emphasized with each recurring failure."

"In private banks, as the word implies, everything is 'private.' In many private banks only one man knows where and how funds are invested. Why should they not be subjected to the same restrictions and limitations as incorporated banks or abolished? No one will deny that the days of the private bank are numbered."

"I am in favor of supervision of private banks only when it is so far-reaching as that required of State and national banks. It would drive the private banker, skidding along the edge of bankruptcy and concealing his assets, out of business, where he belongs. It would eliminate loan-shark methods, and strengthen the confidence of the public in banks."

The election of officers will take place to-morrow.

REED BURLIQUES TRADE COMMISSION—SUGGESTS BOARD TO PREVENT ALL "UNFAIR" PRACTICES, IN BUSINESS OR OTHERWISE—PERKINS A LIFE MEMBER—TO ABOLISH CONGRESS, AND THE COURTS RETAINED ONLY TO ENFORCE MANDATES OF BRANDEIS, UNDERMYER ET AL.

Robert R. Reed, whose antitrust ideas are embodied in the John Sharp Williams bill, after riddling the latest proposal at Washington for a trade commission, with discretionary powers over business and authority to decide what is "fair" or "unfair," suggested yesterday a substitute which, in his judgment, would carry the theory to its logical conclusion. This is Mr. Reed's substitute:

"A commission is hereby created and established to be known as the Commission on the General Welfare and Social Justice of the United States, composed of five members, including the President, to serve during his term of office; L. D. Brandeis and Samuel Undermyer, to serve until, in the opinion of the other members of the commission, they shall act unfairly, and George W. Perkins and Thomas W. Lawson, to serve for life.

"Every act and thing that is unfair, oppressive, unjust or inequitable, or opposed to the social welfare and justice of the United States, is hereby prohibited. Whenever the commission or any of its members shall have reason to believe that any person, firm, association, or corporation is about to do any act or thing prohibited as aforesaid, the commission or such member shall issue an order prohibiting such act or thing, provided that if one member of such commission shall issue such order without the prior authority of the commission, an appeal shall lie from such order to the commission to be heard at its convenience, but in the meanwhile such order shall be obeyed.

"If any such person, firm, corporation, or association shall disobey such order, or declare their intention so to do, then the commission or such member may apply to the district court, which shall immediately proceed to a determination of the matter, and if it shall appear that such person, firm, corporation, or association has disobeyed such order, or declared an intention so to do, then the court shall impose such sentence as such commission or such member thereof shall deem fair and just.

"All laws heretofore enacted are repealed. The Congress of the United States is adjourned sine die, pending an amendment of the Constitution to abolish it. The courts of the United States are hereby continued, provided that their jurisdictions shall be limited to enforcing the orders of said commission."

"The wisdom of continuing the power of the courts under this proposed law might well be questioned," said Mr. Reed. "Some unfair-minded citizen might obtain from an unregenerate court a decision holding it unconstitutional."

"Decisions such as this naturally tend to postpone the day of executive paternalism. They hold in check what is thought to be the popular desire to take care of Mr. Perkins's children by saving the 'good trusts' from active and pernicious competition. This, I take it, is the idealized aim of executive paternalism to protect and prosper the subservient friend who seems 'good,' to destroy the critical foe who seems 'bad,' to build upon the ruins of democracy an industrial oligarchy of 'Rooseveltian Perkinses.'"

Speaking more seriously of the pending measure, Mr. Reed said:

"The latest antitrust amendment, reported to have met the approval and enthusiastic support of the President, and now adopted by

the Senate committee, is epochal in character. It would establish an absolutely personal government over interstate corporations. It would also open the back door of the Sherman law for the 'good trust' to come in. This amendment provides in terms that:

"Unfair competition in commerce is hereby declared unlawful, and that 'whenever the commission shall have reason to believe that any corporation has been or is using any unfair or oppressive method of competition' it shall order a hearing, 'and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act, it shall thereupon issue an order restraining and prohibiting the use of the same.' This order is to be enforced by the courts upon the application of the commission."

"It is to be noted, briefly: First, that while all unfair competition is declared unlawful, it is only those things which the commission finds are prohibited which are in fact to be prevented.

"Second, That no rule is prescribed by which this finding is to be governed; and

"Third, That the law and its application are in the hands of the commission, and the only real crime is disobedience of the mandate in the particular case."

"Could anything be more simple and effective? But why limit its operation to so narrow a scope? There are many 'unfair things' in life besides competition. Certainly nothing would seem to be more immediately desirable to a great number of our citizens than a prohibition against the unfair treatment of employees by interstate corporations. But a good thing can not be too good. The substitute I have suggested will do away not only with all the handicaps of a constitutional democracy, but with the democracy itself."

"Incidentally, unfair competition as an aid to monopoly is within the present law, and there is hardly a large combination in the country that dares to practice it so long as that law is enforced. The only unfair competition that is not within the present law is that of the so-called independent concerns, to whom the freedom of business bargaining is perhaps the chief weapon left in their struggle for existence against the trusts."

"The taskmasters of the 'new freedom' are driving a Democratic Congress to the destruction not of monopoly but of democracy."

The VICE PRESIDENT. The hour of 2 o'clock having arrived, in accordance with the unanimous-consent agreement that at this hour—

The Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 15613, an act to create an interstate trade commission, etc., through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. no Senator shall speak more than once or longer than 10 minutes upon the bill or upon any amendment offered thereto; and, further, that the vote upon the passage of the bill as amended shall be taken at not later than 6 o'clock p. m. on the said day—

The Chair announces that the bill is in Committee of the Whole and open to amendment.

Mr. CLAPP. Mr. President, I desire to occupy the time of the Senate for only a few moments in a general discussion with reference to this measure.

I think we all realize that under the Sherman antitrust law, designed, as it was, primarily to reach combinations, conspiracies, and agreements, those acts which amount to unfair competition but which are dissociated from efforts involving the plan of conspiracy would not be reached by the Sherman antitrust law. I rather agree with the Senator from Nevada that we have reached a point in the development of our industrial and commercial life where probably we shall see less of this process of combination; and the phase of industrial activity to be met now, in a spirit of regulation and restraint, is the practices which constitute unfair competition.

Personally I believe it would have been very much wiser for Congress to have passed a short, brief law, adding unfair competition to the prohibitions already found in connection with the Sherman antitrust law, and to have left the enforcement of that law to the Department of Justice; but it has seemed impossible to secure that addition unless the additional prohibition is coupled with a trade commission. Therefore, while I am not particularly enthusiastic over the plan of a trade commission, rather than not have this added law relating to unfair competition I am willing to support the trade commission as the means of securing that additional prohibition in the laws of this country.

My fear of the trade commission is not that expressed by the Senator from Connecticut. In the first place, this bill, I think, does not create the authorities and powers which he has described. Outside of the creation of a trade commission and the authorization of the employment of that commission by the court as a master in chancery, I undertake to say that there is not a power of inquisition or investigation vested in the trade commission that is not already vested in some of the officials of this Government under existing statutes.

I believe that fact should go forth to the country, in order that this bill may not occasion the alarm and distrust which it might occasion if the view taken of it by the Senator from Connecticut were to be accepted by the public as accurately describing the scope and authority of this commission. My fear is that in departing from the plan of defining an act as unlawful and leaving it to be prosecuted by the Attorney General—and in dividing power and authority we divide responsibility—there will not be that clearly defined thought in the public mind as to who is responsible for failure in the adminis-

tration of the law that would have existed if the enforcement of the law had been left entirely in the Department of Justice.

Mr. President, that fear may be groundless. Let us hope that the best will come as the fruitage of this legislation. While I am not so optimistic upon the subject as the Senator in charge of the bill or some of his associates upon the Interstate Commerce Committee, I at least share with them the hope that this bill may prove a success; and knowing now that the bill is destined to pass, I for one propose to give it in my advocacy here and in my discussion of the measure in public that support calculated to carry confidence to the people with regard to it and calculated to give force and efficacy to the bill itself, rather than to throw around it that element of distrust and uncertainty which on the one hand may produce a want of confidence upon the part of the people and upon the other a want of confidence in the commission itself.

Realizing that this bill is destined to pass, not for the purpose of bestowing any eulogies upon anyone, but rather as dealing with the philosophy of this bill in its relations to the development of government, I can not forbear saying a word of congratulation and commendation of the chairman of the committee, the Senator from Nevada [Mr. NEWLANDS].

It has been suggested that this subject is new and novel. The thought of a trade commission is neither new nor novel, although the power which this bill seeks to vest in the commission is, I think, to most people a somewhat new, unstudied, and unthought-of proposition. The Senator from Nevada for years, however, has been an ardent champion of this measure and of the scope and purpose of the pending bill, including section 5.

During the time that it was my privilege to preside over that committee as chairman the Senator from Nevada was constantly advocating and putting forward this thought of this kind of a commission. The Senator from Nevada during the years of his service in both Houses has been in the very vanguard of the thought of developing the functions of government, developing a union and unity of purpose between State and Federal Government; developing not only the scope and authority, but developing the method, the plan, the thought of cooperation along governmental lines. He has projected plans embracing broad, fundamental policies, in the advocacy of which he has recognized no petty party lines; and while he has ever regarded the constitutional guaranties, he has taken the broad ground that the function of free government is to advance the common welfare and that the Constitution should be viewed from the standpoint of a guide, rather than as a mere limitation upon that function.

It is seldom that one who has in the main been so far in advance of the great mass of thought of his own day has lived to see so many of his advanced thoughts, purposes, and policies either actually crystallized into legislation or being rapidly accepted by Congress in relation to legislation more or less correlated to the distinct purposes and aims of the Senator's advocacy. It is important and interesting, not so much as a tribute to the Senator from Nevada as to the growth and development of the spirit of the American people in using government as one of the adjuncts, one of the instrumentalities, in the development of the prosperity and welfare of the people. I certainly feel that the Senator from Nevada is to be congratulated upon the near approach of the consummation of his thought and purpose in the adoption of the Federal trade commission bill.

Mr. SAULSBURY. Mr. President, I desire to offer an amendment of a formal character, which I will ask the Secretary to read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 24, after line 2, at the end of section 8, it is proposed to insert the following:

Each corporation having a capital of \$5,000,000, to determine which fact the amount of its capital stock, surplus, bonded indebtedness, and undivided profits shall be combined, subject to the provisions of this act, shall, within 90 days after the taking effect of this act, designate in writing an agent in the city of Washington, D. C., upon whom service of all notices, orders, and processes issued by the commission may be made for and on behalf of said corporation, and to file such designation in the office of the commission, which designation may from time to time be changed by like writing similarly filed; and thereupon service of all notices, orders, or processes issued by the commission may be made upon such corporation by leaving a copy thereof with such designated agent at his or its office in the city of Washington with like effect as if made personally upon such corporation, and in default of such designation of such agent service of any notice, order, or other process may be made by posting such notice, order, or process in a conspicuous place in the office of the commission.

All notices, orders, or other process to be served upon individuals or other corporations than those having such capital shall be duly served personally on such individuals and upon the president, chief executive officer, or a director of such other corporations, respectively, unless they shall have designated an agent as aforesaid with power and authority to accept service of such notices, orders, or other process.

Mr. SAULSBURY. Mr. President, the object of the amendment is to provide how the notices, orders, and processes of this

commission shall be served. In the case of the Interstate Commerce Commission the railroads are universally, I believe, represented by an agent on whom process may be served. In order to avoid unnecessary expense in the case of the smaller corporations or individuals who may be brought under the jurisdiction of the commission, provision is made here for requiring only the large-sized corporations to designate such agents, although the smaller corporations and any individual have the privilege of doing so if they desire.

I do not know that any further explanation is necessary.

Mr. WEST. Mr. President—

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Georgia?

Mr. SAULSBURY. Certainly.

Mr. WEST. I notice that the Senator applies his amendment only to corporations. Why not say "individuals, partnerships, associations, or corporations"?

Mr. SAULSBURY. The Senator from Georgia has overlooked the final provision of the amendment.

Mr. WEST. That may be so.

Mr. SAULSBURY. That provision states how notice shall be served upon individuals and the smaller corporations, and gives them the right, if they so desire, to designate an agent themselves. I think the Senator will find that all cases are covered.

The wording of the amendment might possibly be improved. The reason for introducing it at this time is that it was left out of the original bill; but if there can be any such improvement made, undoubtedly a conference committee will be enabled, by having this matter in conference, to make such improvement. I am not wedded to any particular form of phrase, but I think this is decidedly necessary; and I may say that the members of the Interstate Commerce Committee are in accord with me in offering this amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, I desire to reserve the right to offer in the Senate the amendment to section 5 which was offered yesterday and defeated by two votes, and I desire to reserve the right, if the amendment as offered is defeated, to offer the amendment in a modified form.

I will say now to the Senate that I do this, not for the purpose of adhering with undue pertinacity to the undertaking in which I have been so much interested, but because I believe that upon maturer consideration in the Senate the result may be different.

I simply make this reservation.

Mr. THOMAS. Mr. President, I move to amend the bill by striking out subdivision (c) of section 3, which reads:

To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act as the commission may designate, and to fix the time for the filing of such reports, and to require such reports, or any special report, to be made under oath, or otherwise in the discretion of the commission.

I have hitherto taken occasion to call attention to the fact that subdivision (b) of this section is amply sufficient to subserve the purposes for which both subdivision (b) and subdivision (c) are designed. I do not believe the purposes to be accomplished by the provisions of subsection (c) are sufficiently important, in view of the existence of the other subsection, to justify the enormous expense that must be entailed upon corporations required to comply with the provisions of subsection (c) when they are enforced, as they doubtless will be, by the commission.

Every corporation in the United States, I think, is required under the laws of its creation to file annual reports of more or less definiteness and detail. Now, if in addition to that all these corporations are required to file separate annual reports with this commission, and the commission also is able to require definite, special instances of information from time to time concerning their organization, business, financial condition, and so forth, the burden of expense that may be entailed, and probably will be, in the administration of the bill, upon the corporate interests of the country, will be very large indeed.

I therefore move to strike out that provision.

Mr. NEWLANDS. Mr. President, what is the motion of the Senator?

Mr. THOMAS. To strike out subdivision (c) of section 3.

Mr. VARDAMAN. Mr. President, I ask that the amendment, or the section proposed to be stricken out, may be read.

Mr. THOMAS. I will say to the Senator that I have just read it. I will read it again, or the Secretary can read it.

Mr. OVERMAN. Let the Secretary read it.

The VICE PRESIDENT. The Secretary will read the matter proposed to be stricken out.

The SECRETARY. On page 17 the Senator from Colorado proposes to strike out lines 24 and 25, and on page 18, lines 1 to 5, both inclusive, in the following words:

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act as the commission may designate, and to fix the time for the filing of such reports, and to require such reports, or any special report, to be made under oath, or otherwise in the discretion of the commission.

Mr. NEWLANDS. Mr. President, I think this is a necessary power in order to enable the commission to exercise with knowledge the powers conferred upon it by this bill. It will be observed that there is nothing in the bill itself which absolutely compels any corporation or class of corporations to make uniform reports. All that is done by this subdivision is to give the commission the power to prescribe as nearly as may be a uniform system of annual reports from such corporations or classes of corporations as the commission may designate. It can designate 1 corporation if it chooses; it can designate 50 corporations if it chooses; it can designate a class of corporations. There is nothing that compels the commission in any way to call upon all corporations or any corporation for either special or annual reports; and no corporation in the land is under obligation to make reports until the commission specially calls for them.

Mr. THOMAS. Is not that true of subsection (b)? Can not the commission which is to be created by this bill utilize the same power and make these specific designations under section (b)?

Mr. NEWLANDS. No; I do not understand that section (b) covers all that is covered by section (c).

Mr. THOMAS. Then, I should like to inquire what the office of subsection (b) is?

Mr. NEWLANDS. The office of subsection (b) is to get from time to time information, statements, and records concerning the organization, business, financial condition, conduct, practices, management, and relation to other corporations, and so forth, of all corporations subject to the provisions of the bill.

Mr. THOMAS. Does not the Senator believe that under the provisions of subsection (b) an order could be made by the commission covering a certain class of corporations, a number of corporations, as well as a single corporation?

Mr. NEWLANDS. I am not sure about that. At all events, we made it certain, and if it is unobjectionable there is no reason why we should not make it perfectly certain.

I do not propose to take up time with the discussion of subdivision (c). I will simply say that it was fully considered by the committee, it was put in this form after serious consideration and reflection, and I hope it will remain in the bill.

Mr. HITCHCOCK. Mr. President, I should like to ask whether the enactment of subsection (c) will result in dumping upon the commission thousands of annual reports for which there is no real use?

Mr. NEWLANDS. I think not. I do not think the commission will prescribe rules that will dump upon it a lot of useless reports. It is not compelled to do anything under this provision. It simply has discretionary power. I assume that the men who are fitted for these positions will exercise their power in such a way as to get useful information, and not useless information.

Mr. HITCHCOCK. The commission has the power to require all corporations under investigation to make reports of any sort, annual or occasional. Why should it require the tens of thousands of other corporations to make annual reports that never will be read, that there is no occasion to make, and that will only be a harassment to the corporations compelled to make them?

Mr. NEWLANDS. The commission is not compelled to require it. As I explained, this is simply a power which the commission may exercise. It may confine its power, if it chooses, to requiring a report from but a single individual; for instance, a corporation that has been disorganized and reconstructed under the antitrust law. The commission might want annual reports for a certain period of time from such a corporation. It has the power to require them, but there is nothing in the bill compelling the commission to require them.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Certainly.

Mr. THOMAS. The Senator from Rhode Island [Mr. LIPPITT] yesterday demonstrated, I think, that if these reports were published—and if they are not published the public will know nothing about them—and the report of each corporation as published occupied but a page of space, the result would be to produce about 130 volumes per annum containing over 1,300 pages each.

Mr. LIPPITT. One hundred and seventy-five volumes.

Mr. THOMAS. One hundred and seventy-five volumes. I thank the Senator for the correction.

Mr. LIPPITT. I may add, if the Senator will allow me to do so, that those volumes will occupy a bookshelf 32 feet long.

Mr. THOMAS. Yes. Of course, we know that an annual report from a corporation of any consequence could not be confined to the small space of one page or of two pages. In my judgment, while this does not operate as a positive statute, while it merely gives power to the commission to require these reports, the probabilities are that they will be required eventually; and apart from the expense, and it seems to me the uselessness of it, notwithstanding the explanation made by the Senator from Nevada, I can not conceive why subsection (b) is not ample for every purpose.

Mr. LIPPITT. Mr. President, if I may be allowed to say just a word at that point, I should like to say that there are only two sources of acquiring information given to this commission. One is to make special investigations; the other is to require annual or special reports.

One of the real difficulties of this commission is that the subject matter with which it is going to deal is so stupendous that it will be impossible for it to handle the matter at all. It will have to have the authority to call for annual reports, because it is only by having some such reports made to it that the commission will have any means of arriving at the existence of violations of law, unless it relies upon the complaints of individuals.

The whole conception of the field of operations that this commission is going to cover, and of the methods that have been laid out for it to cover, as I have studied the proposition, seems absurd, simply because the field is too large, and it is impossible. The method is clumsy and there is only one result that can come from it, and that is favoritism, and the special examination and special prosecution of certain individuals, selected in some haphazard method, according to the will of the commission, or according to the complaint of some envious competitor.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Colorado [Mr. THOMAS].

The amendment was rejected.

Mr. McCUMBER. Mr. President, I offer the following amendment to be inserted after the declaration that "unfair competition is hereby declared to be unlawful." I do not know where it appears in the new print.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 20, line 21, after the words "unfair competition," insert the following:

Unfair competition as used herein shall be construed to mean any unfair acts or practices in trade or commerce intended to stifle or destroy competition.

Mr. CUMMINS. Mr. President, I rise to a question of order. Section 5 has been adopted by the Senate as in Committee of the Whole and the amendment now proposed is not in order.

The VICE PRESIDENT. The Chair holds that unless the vote whereby the section was adopted is reconsidered it is not in order.

Mr. McCUMBER. I offer the amendment as a separate section, to be numbered section 6.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 21, after line 22, insert a new section to be known as section 6.

Mr. SUTHERLAND. Let the amendment be read.

The Secretary read as follows:

The words "unfair competition" as used herein shall be construed to mean any unfair acts or practices in trade or commerce intended to stifle or destroy competition.

Mr. McCUMBER. Mr. President, had the amendment offered by the Senator from Missouri [Mr. REED], which was defeated by only two votes yesterday, carried there would be no occasion of course for proposing this amendment. I would like to vote for a trades commission bill. I would like to vote for a trades commission bill the object of which would be to facilitate trade, insure honest competition, and insure a competition that would be beneficial to the public and not interfere with any competition that does not concern the public at large.

The bill as it stands declares that unfair competition shall be unlawful. The Senator from Nevada having the bill in charge admits that it is always a question not between the public and the competitor, but a question between two competitors as to whether or not the matter charged is unjust or unfair. I wish the Senator to give me, if he will, some good valid reason, if the contention on the part of those who object to any modification is correct, that according to the decisions of the courts that competition only would be interfered with which tends to destroy a competitor. If that is true, if it is to be confined to that, what

earthly objection can there be to so declaring? If you are certain that that is the intent and purpose, why not make it certain in the bill itself?

As a matter of fact, I believe the Senator from Nevada will agree with me, that if one competitor in any field in the manufacture or sale of goods declares by an advertisement or otherwise that his goods are manufactured in the same way as his competitor's, that they are worth as much or more, and that he is selling them 15 or 20 or 25 per cent cheaper, that would give a cause of action to the person competed against, if his statements were false and untrue, even though the effect of that competition and that declaration was to compel his competitor to give the public a benefit of 25 per cent in the price of the articles that they are compelled to purchase. I mention this simply to indicate as clearly as I can that there are a great many practices which might be declared to be unfair as between the competitors, the result of which is beneficial to the public, and it only ceases to be beneficial to the public when the effect of the competition is such that it destroys one of the competitors and thereby creates a monopoly.

Why should the Senator object to the definition being made so certain that any business men, any attorney, anyone engaged in the manufacture of any article of commerce can know what acts are unlawful and what acts are not?

For my own part I want to see this confined to the simple question of preventing competition which destroys a competitor by unfair means.

Therefore, while, in the definition, I have not gone into the same detail that the Senator from Missouri has, I think I have covered it clearly by a shorter definition, which declares that any of these acts, which, of course, must be unfair in themselves, and I admit I do not know any better word to describe unfair in a general generic term than the word "unfair," nevertheless the unfair practices must reach toward some definite end, and that definite end must be the stifling or the destruction of competition.

We have our general law, the antitrust law, which declares specifically and positively that no agreement can be made fixing prices for the very purpose of opening wide the field of competition. Then you come right around with this bill, which, in effect, may check all kinds of competition by declaring that the competition must be a fair competition without reference to the effect upon the public.

Let me say to the Senator again, that while we are claiming here in our arguments that the commission will not interfere with any kind of business unless the effect of that business competition is to destroy a competitor, notwithstanding that claim you are compelled to admit, as every attorney here will admit, that any competitor can go before the court under the bill and bring his action, and he can bring his action whether this commission has decided that the case is unlawful or not, because when you declare that unfair competition is unlawful you thereby make it a legal wrong, and where you declare a thing to be a legal wrong there immediately comes into effect the legal remedies under the usual court processes, which may be by injunction or by action in tort for damages. So an injunction would lie in the case of the man who has been compelled to sell his products for 25 per cent less to the public to enjoin his competitor from making this unfair claim against him to the end that he may again raise the price of his product up to 25 per cent higher than the competitor had forced him to go.

In my opinion, Mr. President, there can be no possible question about this matter. Had the amendment of the Senator from Minnesota [Mr. CLAPP] been adopted, that no right of action should accrue under this law until the committee had passed upon the question by an order, and the commission would keep within what is claimed to be the law, namely, that it must be a competition that will eventually destroy a competitor, then we need not have had any great fear, but as the bill now stands all forms of competition are subject to the revision of the court, and we are nullifying to a great extent the wonderful benefits that we have secured by preventing corporations from entering into trade agreements by making another law that they shall not be competitors if the competition is such that a court would call unfair, not unfair to the public, because the court will not have to consider the rights of the public at all. All the court will have to consider in an action is whether the competition is unfair between one competitor and another competitor, and if the court decides it is fair, that ends it.

Mr. WILLIAMS. Mr. President, I rise to a question of personal privilege. I ask the Secretary to read the following.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read the paper.

Mr. STONE. Mr. President—

Mr. WILLIAMS. I ask that the request be granted.

Mr. STONE. I make the point of order that it is not in order.

Mr. WILLIAMS. I do not think the question is debatable. I do not want any debate.

Mr. STONE. The point of order is—

Mr. WILLIAMS. I make the point of order that it is not debatable. It is a matter of personal privilege.

The VICE PRESIDENT. It is not debatable, but the Senator from Missouri rises to a point of order. The Chair does not know what the point of order is.

Mr. STONE. My point of order is that under the rules no Senator is permitted to make any statement in any form that assails the conduct of any other Senator or any body of Senators as this statement does. I think that this resolution ought not—

Mr. WILLIAMS. It is not a resolution. It is a request by a Senator, and is a matter of personal privilege.

Mr. STONE. This paper ought not even to be printed in the Record, Mr. President, if I may be permitted to say so at this time.

Mr. WILLIAMS. Mr. President, I make the point of order that this is not a debatable question. I do not care to be dragged into a debate concerning it. I do not want to be dragged into it.

The VICE PRESIDENT. It is not a debatable question, but it is a question which must be determined by the Chair or by the Senate.

Mr. SMOOT. A parliamentary inquiry, Mr. President. It is after 2 o'clock, and we are proceeding under a unanimous-consent agreement.

Mr. WILLIAMS. It is a matter of personal privilege residing solely with the Senator desiring to be relieved from service on a committee, and neither the Senate nor the Chair has anything to do with it.

Mr. SMOOT. A parliamentary inquiry, Mr. President. The Senate is proceeding under a unanimous-consent agreement, and there is no business in order until after the pending bill is disposed of under that unanimous-consent agreement.

The VICE PRESIDENT. The Chair will be compelled to sustain the point of order made by the Senator from Utah.

Mr. WILLIAMS. What was it?

The VICE PRESIDENT. That the Senate is proceeding under a unanimous-consent agreement, and, upon objection, nothing else can be entertained.

Mr. WILLIAMS. Before, Mr. President, you pronounce finally on that I should like to be heard upon the point of order. I think I have a right to do that.

It has been universally ruled in the House and I think it has been uniformly ruled in the Senate, that the service of a Senator or of a Representative upon a committee is a matter left with him. I remember that at the beginning of the Fifty-third Congress, when Speaker Crisp appointed Mr. Crane, of Texas, to certain committee assignments, he rose upon the floor and resigned from them all, and stated that he declined to serve. The point of order was then raised—some point; I have forgotten the point that was made—and the Speaker ruled that it was a matter left with the Representative entirely in foro conscientiae. I can not further afford to serve upon the Foreign Relations Committee with its ideas and mine.

Mr. SMOOT. Mr. President—

Mr. WILLIAMS. It would be a stultification of myself. It is a matter left with me and not with either the Senate nor any Senator. There is no rule by unanimous consent or otherwise that shuts off a question of personal privilege. There never has been in either House.

Mr. SMOOT. I have no objection to the Senator asking to be relieved from service upon any committee when the Senate is not acting under a unanimous-consent agreement, but the Senator can not point to a case where the Senate has been acting under a unanimous-consent agreement and any business has been allowed to intervene.

Mr. WILLIAMS. I beg the Senator's pardon. That is the point I make with the Chair right now. There has never been any unanimous-consent agreement in either House that could possibly shut off a question of personal privilege.

The VICE PRESIDENT. The Chair has ruled, and unless there is an appeal from the ruling of the Chair the question is on the amendment proposed by the Senator from North Dakota [Mr. McCOMBER].

Mr. WILLIAMS. Then, with all due respect to the Chair, of course, I appeal from the decision. I think the Chair is absolutely wrong.

The VICE PRESIDENT. The question, then, is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes seem to have it. The ayes

have it. The question is on the amendment of the Senator from North Dakota [Mr. McCUMBER].

Mr. REED. I ask that it may be read again.

The VICE PRESIDENT. It will be again read.

The SECRETARY. On page 21, after line 22, insert a new section. To be numbered section 6, as follows:

SEC. 6. The words "unfair competition" as used herein shall be construed to mean any unfair acts or practices in trade or commerce intended to stifle or destroy competition.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Dakota. [Putting the question.] The ayes seem to have it.

Mr. NEWLANDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. O'GORMAN. May I ask to have the amendment again read?

The VICE PRESIDENT. The Secretary will read it again.

The Secretary again read Mr. McCUMBER'S amendment.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. THORNTON (when Mr. RANDELL'S name was called). I desire to announce the necessary absence on public business of my colleague [Mr. RANDELL].

Mr. THOMAS (when the name of Mr. SMITH of Arizona was called). I desire to announce the unavoidable absence of the Senator from Arizona [Mr. SMITH] on business of the Senate.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. As he is absent I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arizona [Mr. SMITH], I vote "nay."

The roll call was concluded.

Mr. CATRON. I am paired with the senior Senator from Oklahoma [Mr. OWEN]. In his absence I withhold my vote.

Mr. CULBERSON. I have a general pair with the Senator from Delaware [Mr. DU PONT]. I therefore withhold my vote.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SMITH of Georgia. I transfer my pair with the Senator from Massachusetts [Mr. LODGE] to the senior Senator from Alabama [Mr. BANKHEAD] and vote. I vote "nay."

Mr. PAGE. I wish to announce that my colleague [Mr. DILLINGHAM] is necessarily absent. He is paired with the senior Senator from Maryland [Mr. SMITH].

Mr. MARTINE of New Jersey (after having voted in the affirmative). I voted "yea," but on reflection and consideration I feel that my judgment was in error. I want to change my vote and vote "nay."

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from Florida [Mr. FLETCHER].

I will also announce that the Senator from Illinois [Mr. SHERMAN] and the Senator from Maine [Mr. BURLEIGH] are detained because of illness in their families.

Mr. KENYON. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness, and that if present he would vote "nay."

Mr. SMITH of Maryland. I desire to transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Louisiana [Mr. RANDELL] and vote. I vote "nay."

The result was announced—yeas 16, nays 47, as follows:

YEAS—16.

Burton	Lippitt	O'Gorman	Reed
Clark, Wyo.	McCumber	Overman	Sterling
Colt	Myers	Page	Weeks
Hitchcock	Nelson	Perkins	West

NAYS—47.

Ashurst	Fall	Martin, Va.	Smoot
Brady	Gallinger	Martine, N. J.	Stone
Brandegee	Gronna	Newlands	Sutherland
Bristow	Hollis	Pittman	Swanson
Bryan	Hughes	Pomerene	Thompson
Camden	James	Saulsbury	Thornton
Chamberlain	Johnson	Shafer	Tilman
Chilton	Kenyon	Sheppard	Vardaman
Clapp	Kern	Shively	Walsh
Clarke, Ark.	Lee, Tenn.	Simmons	White
Crawford	Lee, Md.	Smith, Ga.	Williams
Cummins	Lewis	Smith, Md.	

NOT VOTING—33.

Bankhead	Gore	Penrose	Smith, S. C.
Borah	Jones	Polkexter	Stephenson
Burleigh	La Follette	Ransdell	Thomas
Catron	Lane	Robinson	Townsend
Culberson	Lodge	Root	Warren
Dillingham	McLean	Sherman	Works
Du Pont	Norris	Shields	
Fletcher	Oliver	Smith, Ariz.	
Goff	Owen	Smith, Mich.	

So Mr. McCUMBER'S amendment was rejected.

Mr. LIPPITT. I offer an amendment, which I should like to have read.

The VICE PRESIDENT. The proposed amendment will be read.

The SECRETARY. Insert a new section, as section 5a, as follows:

SEC. 5a. That if one or more parties to any agreement made or proposed to be entered into between two or more parties, one or more of whom is or are engaged in interstate commerce, or which agreement affects or is intended to affect interstate commerce, shall submit such agreement to the commission by filing with it a copy thereof, together with a duly verified statement in writing, in such form as the commission shall prescribe, giving the names, occupations, and addresses of all parties to such agreement, stating whether the same has or has not been executed, the reasons therefor, and the effect, if any, which such agreement is intended to have upon interstate commerce, and such further information as the commission, by its rules, shall require, the commission shall forthwith consider such agreement, and the effect of the same, and may require any further information, documentary or otherwise, with regard thereto which in its judgment shall seem necessary or proper; and if all requests of the commission for information shall be promptly and fully complied with, it shall, with all convenient speed, make and file a certificate, stating whether or not, in its opinion, such agreement does or would operate in undue restraint of interstate commerce, or tend to the monopolization of any part of such commerce.

No party in any such agreement who shall have submitted or joined in the submission thereof to the commission, during the time the same is under consideration by the commission, shall be prosecuted criminally because of such agreement, or any act done pursuant thereto, under the provisions of any of the antitrust laws. If the commission shall be of the opinion, and shall so certify in writing, that any existing agreement or combination is being operated in the interest of the public, and is of advantage to the convenience and commerce of the people, and that such operations will not substantially exclude, prevent, or reduce competition in the business affected thereby, then, so long as such certificate remains unrevoked or such agreement shall not have been declared unlawful or against the public interest by some court of competent jurisdiction, no party thereto shall be prosecuted criminally in any court of the United States because of such agreement or any act done pursuant thereto under the provisions of any of the antitrust laws.

Upon reasonable notice to the parties to such agreement, given in such manner as the commission by its rules may prescribe, and after such parties shall have been given an opportunity to be heard with respect thereto, the commission may revoke any certificate made as aforesaid: *Provided, however,* That nothing in this section contained shall operate to prevent or otherwise affect the prosecution of any civil suit or action against the parties to any such agreement by the United States or by any other party.

The VICE PRESIDENT. The question is on the amendment of the Senator from Rhode Island [Mr. LIPPITT].

Mr. LIPPITT. Mr. President, in some remarks I made on yesterday I undertook to show some theoretical reasons why I thought the great problem which confronts American business and commerce and trade was not being dealt with in a constructive manner by the pending bill and the other bills in regard to trade legislation which are coming before this body. This amendment is designed in some degree to give to people engaged in business in a small and moderate-sized way in the United States some of the benefits and advantages which a large number of people get by combining their resources in what is known as a combination or a trust.

I do not intend to argue the theoretical side of the proposition in the very few minutes that I have at my disposal otherwise than to read the opinion which I quoted yesterday of the gentleman who has perhaps had more experience in applying the antitrust laws and in studying this problem than has any other man in the United States. I refer to Mr. George W. Wickersham, the former Attorney General of the United States. He says:

The problem of the relation of the Federal Government to cooperative industrial business can never be satisfactorily solved until Congress courageously legislates in the affirmative, declares what can be done, and throws the protection of the National Government about those who conform to its laws in acting under it.

The amendment I have proposed is the only method of constructive action looking toward the relief of the people engaged in moderate-sized business in this country that I have been able

to discover; and as it is sometimes much easier to understand these questions with a practical illustration than it is by theoretical argument, I simply want, as an illustration of what I mean, to lay before the Senate the process by which the merchandizing of this country is being necessarily absorbed by large organizations and the reason for it and a remedy for it.

Sears, Roebuck & Co., of Chicago, a mail-order house, consists of a number of people who have united their resources into a corporation which now has a capital of \$58,000,000. In 1913 it did a business of \$91,357,000. In the first four months of this year its business increased from \$39,359,000 to \$41,808,000, an increase of \$2,449,000, or at the rate of \$7,347,000 per annum.

Another union or combination of people in the same manner, the Montgomery Ward Co., made sales for 1913 of \$39,725,000. The F. W. Woolworth Co., which runs a chain of stores and which at the end of the year 1913 had 675 stores in the United States and 40 stores in Canada, which has a common stock of \$50,000,000 and a preferred stock of \$14,000,000, made sales in 1908 of \$36,000,000 and in 1913 of \$66,000,000. In five years the business of that company grew from \$36,000,000 to \$66,000,000, or at the rate of \$5,000,000 a year. Those three corporations to-day are doing a business of over \$200,000,000. They have acquired nearly the whole of that business within the last 10 years or so.

Mr. President, where has that business come from? It has come from the small storekeepers and the people engaged in moderate-sized business all over the United States. Why has it come? It has come because those people by their more efficient methods of organization, by their more efficient buying, and through more efficient selling are able to put before their customers, before the buyers, the consumers of the United States, the articles which they have for sale at a lower price than similar articles can be sold for by people who only carry on business in a small way.

My amendment simply allows the smaller business men to cooperate in the form of trade agreements, that shall be passed upon by the trade commission to the extent of saying whether they are or are not in violation of the law or of any public policy, and the action of the commission in passing upon them favorably merely relieves the people entering into such agreements from criminal prosecution. It does not touch upon the question of any civil damages for which they might be liable.

Mr. President, the purpose of such trade agreements is merely to enable the small business men by cooperating to obtain some of the benefits of economy and efficiency which a number of people obtain by forming separate trusts or combinations. It is a question whether we shall encourage cooperation on one side or drive people into combination on the other.

All I ask by this amendment is that the smaller business men shall be allowed to make certain agreements which will tend toward economy and efficiency in their business, agreements that are no different from those which people who constitute the stockholders of large organizations are able to make every day and every minute. When the directors of the Sears, Roebuck Co. or the directors of the Woolworth Co. or the directors of the Montgomery Ward Co. meet in their office and give an order to their salesmen or to their seven hundred and odd stores in this country, they immediately make, in effect, a trade agreement that needs the confirmation of no trade commission and of no officer of the Government; but the smaller business men who are trying to act individually are utterly unable to arrive at the same result that is obtained by combinations.

Mr. President, that situation illustrates, I think, the real problem that is at the bottom of the business situation of to-day. It is a question of whether we are going to force people, on account of the superior efficiency of union and of combination, into great trusts, and are going to drive the business of this country into that form of operation, or whether we shall do something constructively to help retain the smaller and more moderate-sized organizations by enabling them, through reasonable cooperation, to get some of the benefits which come from the other and more intense form of combination which I have been trying to describe.

Mr. NEWLANDS. Mr. President, the Senator from Rhode Island has opened up a very interesting subject, but I think it has no place upon this bill. The purpose of this bill is not to interfere in any way with the antitrust act nor to modify in any way its enforcement. The purpose, among other things, however, is to give the proposed trade commission powers of investigation, to inquire into trade practices and conditions of business throughout the country. Doubtless this commission will enter upon an inquiry as to matters concerning which the Senator from Rhode Island has spoken, particularly the mail-order houses, the chain stores, and other phases of intensely organ-

ized activity in business which perhaps are interfering materially with its ordinary and accustomed conditions. I do not pretend to say what the evolution of legislation upon that subject will be; but it will, undoubtedly, be the subject of investigation and intelligent consideration by this commission; and under its power to report to Congress it could make its recommendations at any time.

It is true, Mr. President, that whilst we are forbidding combinations of all kinds under the antitrust laws, we are not as yet forbidding that form of combination of dollars which results in the organization of gigantic corporations that are entirely legal. We forbid, under the antitrust law, individuals and corporations, with whom such gigantic corporations are competing, to form combinations in order to meet such competition, and to many that seems unfair. We are also, under the Clayton bill, validating organizations whose purpose is to stabilize or increase the wages of the country. We are also validating combinations of farmers formed to maintain fair prices for their products. We will have, therefore, these three forms of organization—combinations of dollars in the shape of corporations with gigantic capital, labor unions, and farmers' unions—that will be practically sanctioned by public opinion and the laws, none of which will, in the end, so far as their organization is concerned, be in conflict with the antitrust laws.

I think myself that we will have later on to consider the question of the combination of dollars in gigantic corporations, mail-order houses, chain stores, and so forth, organizations that are entirely legal, but which have a very serious economic effect, whether for good or for evil, upon the established industries and business of the country. I regard it as one of the functions of this commission to inquire into these organizations and to make report to Congress. Therefore I oppose any legislation upon the subject looking to the validation of agreements and combinations of their competitors in this bill.

Mr. LIPPITT. Mr. President, I know I have not the right to speak twice, but I should like to add, if there is no objection, one single word to what I said. I was not, in anything I said, criticizing the formation of those combinations, because I believe that they enable the farmer and the consumer to buy goods at a cheaper price than they can be sold without some form of efficient organization, but I think to prevent monopoly and to retain the benefits of independent units of moderate size we must let them cooperate to some degree in the interests of economy and efficiency; and further, I want something in this bill that will say to the commission that they have a duty to help and encourage as well as one to punish and destroy.

Mr. SUTHERLAND. Mr. President, I do not intend to discuss this amendment further than to say that, in my judgment, if it were made a part of this bill, experience would demonstrate that it would constitute the only useful part of the bill. Every provision in the bill thus far is destructive in character and is filled with opportunities for mischief-making. All of the powers conferred upon this commission are in the direction of espionage and interference with the legitimate operations of business; but this amendment proposes to introduce into this measure a proposition which is constructive in character, which will enable this commission to be of some affirmative benefit. If this commission is to be a body such as the Senator from Nevada thinks it will be, of high-class men, men of ability and of integrity, who can be trusted to administer the negative and destructive provisions of this bill, certainly it will be a commission that can be trusted to perform this constructive and affirmative duty.

Mr. President, I shall vote for the amendment, and I sincerely hope it will be adopted.

Mr. BRANDEGEE. Mr. President, subdivision (g) of section 3 of the bill provides as follows:

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress, that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

I read that, because the Senator from Nevada has stated that the trade commission will have nothing to do with the Sherman law. Of course it is apparent that this specific subdivision (g) imposes upon the commission the duty of investigating and ascertaining whether or not the Sherman law has been violated; and if, in their opinion, it has been violated, it is their duty to report that fact to the Attorney General with their recommendations; and their recommendations can not be anything except that the violation should be prosecuted.

As the Senator from Utah [Mr. SUTHERLAND] has well pointed out and as everybody knows, I assume, by this time at least,

every function of this commission as the bill is now drawn is denunciatory, accusatory, and destructive; it penalizes; it will involve constant espionage, detective work, investigation, reporting, and ordering to stop. All this investigation is to be conducted by its own secret agents, and the commission, after inspiring the investigation, is to sit in judgment upon and try the suit which it itself has instituted. Therefore it will combine, of course, the functions of private detective, informer, grand jury, prosecuting officer, judge, and executioner, because after it shall issue its order it will go to the court to get an injunction to compel enforcement.

If the commission is to be composed of men of judgment and knowledge enough to perform those functions without injury to business, it will have sufficient judgment to give temporary approval to agreements such as those suggested in the amendment proposed by the Senator from Rhode Island. That amendment does not authorize any violation of the Sherman law; it does not exempt anybody from the operation of the Sherman law; it does not validate any agreement which may be in violation of the Sherman Antitrust Act.

Now, let us see exactly what it does. It provides, among other things, as follows:

If the commission shall be of the opinion, and shall so certify in writing, that any existing agreement or combination is being operated in the interest of the public, and is of advantage to the convenience and commerce of the people, and that such operations will not substantially exclude, prevent, or reduce competition in the business affected thereby, then, so long as such certificate remains unrevoked or such agreement shall not have been declared unlawful or against the public interest by some court of competent jurisdiction, no party thereto shall be prosecuted criminally in any court of the United States because of such agreement or any act done pursuant thereto under the provisions of any of the antitrust laws.

That simply means, of course, that if the commission thinks that an agreement is in the interest of the public it may issue a certificate saying so, and that will prevent criminal prosecutions of the men who made the agreement approved by the commission until the court decides that the agreement is in violation of the law.

Then the amendment subsequently provides:

Upon reasonable notice to the parties to such agreement, given in such manner as the commission by its rules may prescribe, and after such parties shall have been given an opportunity to be heard with respect thereto, the commission may revoke any certificate made as aforesaid.

I see no harm to be done by that provision. Then it is provided:

That nothing in this section contained shall operate to prevent or otherwise affect the prosecution of any civil suit or action against the parties to any such agreement by the United States or by any other party.

So that even if the agreement is approved by the commission and found to be in the interest of the public, the Attorney General can proceed with a civil suit on the ground that it is in violation of the antitrust laws.

The effect of this amendment is that those who enter into trade agreements or continue existing agreements with the approval of the tribunal which the Government itself has set up to decide such questions, shall not be prosecuted criminally, while the agreement has the approval of the commission. Probably if the commission should approve an agreement and the officers of the Department of Justice, the legal experts of the Government, should conclude that the agreement did violate the Sherman law and thought it was worth while to institute a suit to test the question, the commission could immediately, if they wanted to, have a hearing and revoke the certificate they had granted.

The Senator from Utah has said this amendment, if it should be adopted, would be the only feature of this bill that would be of the slightest service to anybody in illuminating what is called the "twilight zone" or in answering any of the interrogation points which the President says now exist in the minds of business men.

The fact that such a provision was not contained in the bill as it came from the committee I do not regard as a serious objection to its consideration now. The hearings before the committee were filled with the testimony of men, including men of such high character as President Van Hise, of the University of Wisconsin, who advocated this sort of jurisdiction if a commission was to be created at all.

I can see no reason why the amendment should not be attached to the bill. If I interpret correctly the remarks of the Senator from Nevada [Mr. NEWLANDS], he is not entirely opposed to the principle proposed in the amendment, but thinks it ought not to be put onto this bill. If, however, it would not embarrass the passage of the bill—and I do not think it would; I think, on the contrary, it would help it—I can see no reason for not putting it on the bill.

Now, one word as to the bill we have made up. We have been here six weeks trying to perfect a bill which strikes out all of the House bill and throws this whole matter into conference. This bill, of course, will be made by the conference committee, and the Senate will be compelled to accept or reject it in toto when the conference report is made.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Rhode Island [Mr. LIPPITT].

Mr. LIPPITT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. THORNTON (when Mr. RANDELL's name was called). I again announce the necessary absence of my colleague [Mr. RANDELL] on public business.

Mr. SMITH of Maryland (when his name was called). I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Louisiana [Mr. RANDELL] and vote "nay."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. JONES (when Mr. TOWNSEND's name was called). I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent and that he is paired with the Senator from Arkansas [Mr. ROBINSON]. I will let this announcement stand for the remaining votes to-day.

The roll call was concluded.

Mr. CULBERSON. I again announce my pair and withhold my vote in consequence of it.

Mr. TILLMAN. I have a general pair with the Senator from West Virginia [Mr. GOFF]. I withhold my vote in his absence.

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is necessarily absent. He is paired with the Senator from Wyoming [Mr. WARREN]. I will let this announcement stand for the day.

Mr. WILLIAMS. Transferring my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Indiana [Mr. SHIPLEY]. I vote "nay."

The result was announced—yeas 14, nays 47, as follows:

YEAS—14.

Brandegee	Colt	McLean	Sutherland
Burton	Gallinger	Pace	Weeks
Cañon	Jones	Perkins	
Clark, Wyo.	Lippitt	Smoot	

NAYS—47.

Ashurst	Gronna	Martin, Va.	Simmons
Brady	Hitchcock	Martine, N. J.	Smith, Md.
Bristow	Holles	Myers	Sterling
Bryan	Hughes	Nelson	Stone
Camden	James	Newlands	Swanson
Chamberlain	Johnson	Overman	Thompson
Chilton	Kenyon	Pittman	Thornton
Clapp	Kern	Pomeroy	Vardaman
Clarke, Ark.	Lane	Reed	Walsh
Crawford	Lee, Tenn.	Saulsbury	White
Cummins	Lee, Md.	Shafroth	Williams
Fall	Lewis	Sheppard	

NOT VOTING—35.

Bankhead	La Follette	Ransdell	Smith, S. C.
Borah	Lodge	Robinson	Stephenson
Burleigh	McCumber	Root	Thomas
Culbertson	Norris	Sherman	Tillman
Dillingham	O'Gorman	Shields	Townsend
du Pont	Oliver	Shively	Warren
Fletcher	Owen	Smith, Ariz.	West
Goff	Penrose	Smith, Ga.	Works
Gore	Poindexter	Smith, Mich.	

So Mr. LIPPITT's amendment was rejected.

The VICE PRESIDENT. The question is, Shall the committee amendment, as amended, be agreed to?

Mr. MYERS. I call for a separate vote on the amendment offered by the Senator from Iowa [Mr. CUMMINS] to section 5 of the bill. I make a reservation to that effect.

The VICE PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The Senate, as in Committee of the Whole, has had under consideration a bill, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The VICE PRESIDENT. And has made an amendment thereto.

Mr. REED. Mr. President, the bill is now in the Senate, as I understand?

The VICE PRESIDENT. Not quite. The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.] The ayes seem to have it.

Mr. THOMAS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The bill is not yet in the Senate.

Mr. THOMAS. The bill is subject to amendment, is it not, Mr. President?

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Is the bill in Committee of the Whole?

The VICE PRESIDENT. The bill is nowhere now.

Mr. BRANDEGEE. If the bill is lost—

Mr. THOMAS. I propose to get it somewhere by offering an amendment.

Mr. GALLINGER. I hope it will not be found. [Laughter.]

The VICE PRESIDENT. The question is whether the Senator from Colorado wishes to offer his amendment in Committee of the Whole or whether he wishes to offer it in the Senate.

Mr. THOMAS. I should like to offer it in Committee of the Whole.

Mr. GALLINGER. I should like to know where the bill is, first.

The VICE PRESIDENT. The Chair has not yet announced it as being anywhere.

Mr. GALLINGER. Of course the Senator from Colorado can not offer an amendment in Committee of the Whole unless the bill is there.

Mr. THOMAS. The Senator must be mistaken, because I offered one a few moments ago.

Mr. GALLINGER. The bill was there then.

Mr. THOMAS. I understand it is there yet.

The VICE PRESIDENT. It has not as yet been taken from the Committee of the Whole.

Mr. GALLINGER. Then it is in Committee of the Whole?

Mr. THOMAS. That is as I understand. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The Senator from Colorado proposes that House bill 15613 be amended by striking out all that part thereof reported to the Senate by the committee, and by substituting therefor the bill passed by the House, being pages 1 to 12, inclusive, and lines 1 to 6 on page 13.

Mr. THOMAS. Mr. President, the object of the amendment I propose is to concur in the bill which was passed by the House and sent over to the Senate. I do not suppose it will be passed by the Senate or meet with the approval of the majority, but before we abdicate our jurisdiction over interstate commerce in behalf of the commission which is to be armed with these universal powers and jurisdiction, I think the Senate should have an opportunity, at least, of passing upon the merits of the bill, which was very carefully considered in the House committee and which is the ripe result of their investigations and their deliberations.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I yield.

Mr. CUMMINS. I rise to a question of order. The amendment offered by the Senator from Colorado is not in order, for this reason: The committee has proposed to substitute certain provisions for the House bill, or to amend it in certain respects, and we have been acting upon those amendments. The moment the bill passes out of the Committee of the Whole the question will be whether the Senate will concur in those amendments. Now, to offer to amend the bill by restoring the House bill is simply to reverse the entire action of the Senate. Therefore it is not in order in that form.

Mr. THOMAS. Mr. President, I never know when I am in order or when I am out of order in the Senate, and my impression is that such is the status of a majority of my associates. We have a body of rules here which, upon their face, are easily understood, but which, when we turn to the various rulings embodied in book form, are not, to put it mildly, quite as clear as they appear to be upon their face.

Generally speaking, a bill considered in Committee of the Whole is open to amendment, and, as I understand, is subject to substitution. I am not going to quote any authorities in support of my position. I have never yet inflicted one upon the Senate, and I do not intend to do so, in view of the fact that so many of my colleagues are learned in those things and speak from authority.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. THOMAS. I do.

Mr. BRANDEGEE. I wish to call the attention of the Senator from Colorado to the fact that the committee report proposes to strike out all after the enacting clause of the House bill and to insert the part printed in *italic*.

Mr. THOMAS. My motion is virtually to strike out all that is offered as a substitute and to strike in that which is stricken out. [Laughter.]

Mr. BRANDEGEE. Of course, the Senator is merely stating the negative and trying to reverse the procedure, as the Senator from Iowa has said. The pending motion is to strike out and insert. The Senator can vote against it.

Mr. THOMAS. I think the simpler way to get at the subject is to submit it to a vote; and I am not going to detain the Senate another moment, except to ask to have inserted as a part of my remarks an article from the pen of Mr. Robert R. Reed, published in the New York Times on the 15th of March last.

The VICE PRESIDENT. In the absence of objection, that will be done.

The matter referred to is as follows:

[From the New York Times, Sunday, March 15, 1914.]

ROBERT R. REED ATTACKS PROPOSED ANTITRUST BILLS—THEY WOULD LEAD INEVITABLY TO THE LEGALIZING OF "GOOD" TRUSTS AND TO THE ESTABLISHMENT OF STATE SOCIALISM AT THE HANDS OF A ROOSEVELT OR A DEBS.

That part of President Wilson's supposed policy on the subject of additional antitrust bills, legislation which is embodied in the four bills now pending, is fundamentally opposed to the principles specifically laid down in the Democratic platform in the opinion of Robert R. Reed, who was asked by a Times man to discuss them in the light of the studies he has made in working out the plan for eliminating the corporate evils now embraced in the John Sharp Williams bill.

Mr. Reed attacked the legislation as making unfair competition, rather than combination, the test of violation of the Sherman law and the common law against monopolies, and as leading inevitably to the legalizing of "good" trusts and to the establishment of State socialism at the hands of a Roosevelt or a Debs.

"In what I say on this subject," said Mr. Reed at the outset, "I speak for myself, and not for any client or interest."

"The Democratic platform at the last election pledged the party to the removal of monopoly at its source in the following specific language:

"A private monopoly is indefensible and intolerable. We * * * demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States. We favor the declaration by law of the conditions upon which corporations shall be permitted to engage in interstate trade, including, among others, the prevention of holding companies, of interlocking directors, of stock watering, of discrimination in price, and the control of any one corporation of so large a proportion of any industry as to make it a menace to competitive conditions."

"This was the specific party program on the paramount political question of this generation. It can not be brushed aside as less important planks frequently are. It can not be said that it did not enter into the result of the election."

"BASELESS FALLACY."

"Monopoly, we are now told, comes from unfair competition. If we prevent that we will prevent monopoly. A more baseless or a more servicable fallacy was never perpetrated upon a misled people. There has never been a country or a time in the history of the world in which monopoly sprang from unfair competition or from the acts or agreements of individuals. Temporary advantages, even the destruction of a competitor, may be so effected, but these advantages, however great, are wholly powerless to create a monopoly unless through the instrumentalities of government they may be welded into a permanent institution. This institution has been created in our day through the corporation, and through the corporation alone."

"There is nothing new in this proposition. At the annual convention of the American Bar Association in August, 1911, its president, Edgar H. Farrar, of New Orleans, delivered an address in which he discussed the genesis and growth of our modern monopoly, and declared it to be in legal effect a monopoly created by the State, as fully as was the East India Co. created by royal grant in 1600."

"This does not mean that the corporation is essentially evil. It is, in fact, a public benefit, and owes its origin to a public need. It is the ideal instrumentality for all forms of quasi-public enterprises, such as railroads and public utility businesses, banking, and insurance. All these businesses are subject to public control, and are incorporated largely with a view to that control. But with respect to commercial enterprises, both the use and the effect of the corporation have been different."

"The ordinary business corporation was originally surrounded with adequate safeguards against monopoly. But these were gradually discarded, and finally, unheralded and undesired, came the great evil instinctively feared in the first instance—giant monopolies effected as an established institution under the tax corporation laws of the States. When the Sugar Trust of New York and the Standard Oil of Ohio were declared illegal by the courts back in the early eighties, they went to the Legislature of New Jersey and obtained a statutory grant of the power of monopoly, the creation of holding companies to take the place of the 'trusts' which the courts had dissolved."

"The early commercial and industrial corporations were specially limited both in the amount of their capital and in their duration. No early legislature would have thought of permitting by general law unlimited life and unlimited capital in the enjoyment of corporate privileges in a commercial business."

"To quote Judge Farrar:

"Great aggregations of capital have been formed, which have seized upon specific industries and driven everybody else out of them. They

stand like armed colossi astride the gateways of commerce and destroy every entrant who presumes to compete with them. They have no legal grant or monopoly, but monopoly comes to them by virtue of their size, organizations, and strength, just as surely as monopoly went to the East India Co. by royal grant. The most vicious of all the (statutory) provisions is that authorizing one corporation to own and vote stock in another. This provision is the mother of the holding company and the trust. It provides a method for combining under one management and control corporations from one end of the country to the other.

"THE REMEDY."

"The remedy for this situation is found in the party platform from which I have quoted. This remedy is, I believe, plain to the average reader. Let him consider the legal facts involved. The first is the character of the corporation. The United States Supreme Court has said that 'the corporation is presumed to be created for the benefit of the public,' and the Democratic Party has declared that it must be so created if it is to engage in interstate trade. That court has also said that a corporation is 'precisely what the incorporating act has made it,' and that it 'carries its charter wherever it goes, for that is the law of its existence.' If there is anything wrong with the corporation, it lies in its charter, in the creating act. If it is a monopoly, it gets that power from the creating act.

"The second thing to be borne in mind is that a corporation has no life or being outside of the creating State except by the kindness or comity of other States, so that a nation can exclude the corporations created by another nation, and will, of course, do so if it finds that they are harmful to its citizens or its commerce.

"If corporations organized under the laws of Brazil or of France were threatening the commerce of the United States, upon whom would the duty fall to protect that commerce by excluding the offending corporation? Upon Congress, of course, not upon the separate States. Instead of Brazil, New Jersey has created corporations, not to do business in New Jersey but to engage in commerce throughout the United States, and has vested them with powers and facilities effectively to throttle and monopolize that commerce.

"Who is to protect that commerce, and how? Ohio, Alabama, and California? They might, indeed, exclude a corporation; but how can they protect their citizens against its national monopoly? The danger is national, and the remedy must be national. It must be the same, in fact, as that asserted against the corporation of Brazil or France. Congress alone must protect the commerce of the Nation against the corporate monopolies that threaten it, whether they are created by a foreign power or by one of the States. Otherwise the commerce of the Nation is without protection against the worst corporation that the worst State may create.

"Is there anything radical in so reasonable and necessary a proposition? Shall the long omission to exercise this power, which is now conceded, commit us irrevocably to the institution of monopoly, to the program of perpetual investigation and control, and to ultimate Socialism? Judge Farrar, as president of the American Bar Association, in his annual address of August, 1911, said:

"Congress can drive out of interstate and foreign commerce all corporations with fictitious or watered stock, all corporations whose capital stock is so great as to constitute them practical monopolies or suspects of being such, all holding companies, and all companies whose stocks are owned by holding companies or by other corporations."

"This is a specific statement of the platform remedy, a remedy provided by the John Sharp Williams bill, which was originally introduced in the Senate in April, 1911.

"This bill provided in substance that no industrial or commercial corporation should engage in interstate commerce if it was a holding company, or if it was not safeguarded in its charter against control by a holding company or by competitive interests; also against interlocking directors, watered stock, and excessive capitalization. A number of bills have since been advanced within this original proposal, but that of Senator WILLIAMS is, I believe, the most correct in principle and effective in detail.

"I am speaking only of legislation that has been actually proposed, and have not lost sight of the fact that the President's message leaves the door open for legislation that may accord with the platform pledge, and be more Democratic and more effective. He suggests the prevention of the holding company and intercorporate control. This can be accomplished directly by prohibiting any corporation from engaging in interstate commerce which is not safeguarded against control by holding companies or competitive interests.

"Probably the most effective provision would be to demand a charter requirement against the transfer of stock to any company or person representing a competitive interest. Such legislation would be effective, understandable, and plainly constitutional. It is based directly on the power to regulate interstate commerce, and to protect commerce and the country against unsafe corporations. It accords strictly with the platform pledge.

"EVILS OF LEGISLATION."

"On the other hand, if the legislative method indicated by the present bills is followed we may have Federal laws asserting, not power to exclude corporations from commerce, but power to legislate generally as to any corporations engaged in commerce; not requiring voluntary amendments or changes in the corporate rights as a condition of their engaging in commerce, but asserting the power of Congress to change the corporate rights itself.

"Perhaps the distinction is more clear to a lawyer than a layman, but the difference is one of principle, right, and constitutionality, and also of carrying out the party platform specifically. One of the great evils to-day is the habit of legislation without regard to sound principles affecting its constitutionality.

"Assuming that this doubtful method is adopted, I would suggest a law prohibiting the transfer of stock by any corporation engaged in interstate commerce without requiring proof that the transferee is the bona fide purchaser and is not a company or person representing any competing business. Such a law, if constitutional, would go to the root of corporate monopoly. It would make every corporation what it was intended to be—an independent business unit.

"For the present, however, our attention is fixed on the pending bills, which tend directly in the opposite direction, practically ignoring the corporate evil, which is the real evil, and burdening all persons and business in the country.

"ONLY A MAKE-BELIEVE?"

"This pending program may be—in a sense I think it is—only a make-believe at this time. It opens the debate, and the result is in the hands of Congress. The business interests are awakening to the actual need of corrective measures, safeguarding commercial and industrial

corporations against monopoly. They realize that the continuance of monopoly means the increase of Government interference with all business, and means in the end regulation of prices and wages and effectual socialism.

"One striking instance both of the dangerous facilities accorded to monopoly by the unrestrained use of the corporation in industrial business and of the futility of executive control over monopoly so created is the history of the acquisition of the Tennessee Coal & Iron Co. by the Steel Trust. Here was a dangerous competitor, the control of which was represented by stock which certain contingencies threw into the power of its great adversary. The situation was a financial, not an industrial, one. With the approval of Mr. Roosevelt, obtained on verbal representations after a short conference, the stock was taken over, and the temporary advantage, the corporate incident, was welded into a corporate right and possession.

"These bills represent the best way to start on the program of socialism under existing conditions, the best way to make the Democratic Party begin the work which a Roosevelt and a Debs must complete. It represents the mission of the extensive interlocking directorate of volunteer patriots, which includes among its members many able and distinguished men—lawyers, capitalists, university presidents, philanthropists, and monopolists belonging to different political parties, all of them desirous in their own way of uplifting society, but believing in the cooperation which comes from combination of industry, disbelieving in the great freedom of democracy, the freedom of competition."

The foregoing discussion by Mr. Reed was given several weeks ago, shortly before he appeared before the House committees at Washington. Later he consented to supplement his former statement.

"Mr. Wilson's work," said Mr. Reed at the second interview, "does not lie in originating party measures, but in directing party action. The so-called pending bills are, it seems, the bills of the men who have introduced them, and the President's policy is to let the committees of Congress and the country thrash them out as a basis for definite action. The situation has evolved a possible program that in a sense would meet the formulated consensus of opinion, and also work out a definite result along the lines of the President's message, and also in substantial accord with the party platform. The effective criticism of these bills has made it fairly plain that the country would not accept a business code of ethics under a Federal law."

"The idea of placing new restrictions upon the individual by re-making the Sherman law or otherwise has, I believe, been practically abandoned. The good sense of the country is the good sense of Congress. The new legislation will be directed against the corporation, and the effort is being made to confine it to the corporations of monopoly. In this situation the Williams bill proposal takes on a new aspect and may be found to be more practicable as a part of the general plan of adjustment than as an independent measure."

"It has already been suggested that corporations whose gross income is less than \$3,000,000 shall be exempted from the trade commission bill. The defect of this is twofold. It would exclude small corporations controlled by a common interest in a trust organization and would include larger corporations which are, in fact, independent and competitive. It is possible for any corporation of the latter class to safeguard itself by charter amendment against any possible danger of trust control, and if it does this it should be allowed to maintain its freedom from political control."

"HOW MONOPOLY MAY BE ELIMINATED."

"It is possible for Congress to define the corporate conditions necessary to constitute and safeguard an independent business corporation and to exempt all corporations so constituted and safeguarded from proposed laws. By doing this it will be able more effectively to concentrate these laws and their operation upon the corporations of monopoly, actual or potential, and the final result, with efficient action, should be the elimination of monopoly and the freedom of business. This is the 'new freedom' idealized by Mr. Wilson, toward which he has, with a fine sense of political leadership, directed his party's course."

"It means not, as has been supposed, freedom under the tutelage of a trade commission, but complete freedom attained by business itself, freedom from the corporate evils that play into the hands of monopoly, as the condition to freedom from the Government control that the danger of monopoly makes necessary. In the attainment of this freedom by business lies the solution of monopoly, the end of the institution of monopoly grounded in the corporation, and the end of the danger of national socialism as its final evolution."

The VICE PRESIDENT. This must be the parliamentary situation: The bill came to the Senate from the committee striking out the bill as it came from the House, and with an amendment by way of a substitute. That amendment has now been adopted in the Committee of the Whole, as amended. The Chair paused quite a while in putting the question as to whether the Senate concurred, and thinks three Senators voted "aye" and two "no," as nearly as the Chair could keep count of the vote.

The only way in which the Senator from Colorado could get a vote in Committee of the Whole would be by reconsidering the vote whereby the Senate adopted—

Mr. THOMAS. Let me ask if this amendment can be offered in the Senate?

The VICE PRESIDENT. There would be a vote in the Senate upon identically the same question.

Mr. THOMAS. That is perfectly satisfactory to me.

The VICE PRESIDENT. If the Senate does not concur in the amendment made as in Committee of the Whole, of course, the original bill stands.

Mr. THOMAS. I am not particular when it is voted upon, but I should like to have a vote upon it.

The VICE PRESIDENT. The Chair will be compelled to rule that the amendment offered is not in order at present.

The Senate, as in Committee of the Whole, has had under consideration a bill, the title of which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The VICE PRESIDENT. And has made an amendment thereto. The question is on concurring in the amendment. Here is where the Senator from Colorado can have his vote, if he so desires, as to whether or not the amendment shall be concurred in.

Mr. THOMAS. That is, in the Senate?

The VICE PRESIDENT. In the Senate, now.

Mr. THOMAS. Mr. President, do I understand the bill is now in the Senate?

The VICE PRESIDENT. It is.

Mr. REED. No.

The VICE PRESIDENT. It is not in the Senate for purposes of amendment as yet, but it is in the Senate for the purpose of determining whether the amendment made in Committee of the Whole shall be concurred in by the Senate.

Mr. REED. Mr. President—

Mr. JONES. Mr. President, if there is any amendment to be proposed in the Senate to the amendment adopted in Committee of the Whole, it should now be offered, should it not, before that amendment is concurred in? If the amendment is concurred in, then it is disposed of, and is not open to amendment.

I merely wanted to suggest that, because I understood the Senator from Missouri [Mr. REED] wanted to offer an amendment, and I thought this was the proper time to do it.

Mr. CUMMINS. Mr. President, I rise to a parliamentary inquiry. The Chair has stated, I think correctly, that the question now is whether the Senate will concur in the amendment that has been made in Committee of the Whole. The Senator from Missouri [Mr. REED] has reserved one amendment that was rejected in Committee of the Whole, and concurrence in the amendment made in Committee of the Whole would not preclude a vote upon the amendment of the Senator from Missouri. I understand the Senator from Ohio [Mr. POMERENE] has reserved an amendment also; and a vote now to concur in the amendment made in Committee of the Whole would not preclude a vote upon that amendment. I ask whether that is not the parliamentary situation?

The VICE PRESIDENT. The Senator from Missouri reserved an amendment that the Chair believes could not be reserved, because it was defeated in Committee of the Whole; but undoubtedly it can be reoffered in the Senate.

Mr. SMOOT. That is correct.

Mr. OVERMAN. That is the only place to do it—in the Senate.

The VICE PRESIDENT. The Chair did not understand the Senator's remark.

Mr. SMOOT. The Chair is perfectly correct in that statement. The Senator can offer it when the bill is in the Senate.

Mr. OVERMAN. That is the only time he can offer it.

Mr. SMOOT. The Senator reserved the amendment, and that is the only time he can offer it.

Mr. REED. Mr. President, a parliamentary inquiry. Is it now in order for me to offer the amendment I reserved in the Senate?

The VICE PRESIDENT. The Chair is of the impression that it is now in order to offer an amendment.

Mr. OVERMAN. Would the amendment of the Senator from Missouri be in order now? It is not in order until the bill is in the Senate.

The VICE PRESIDENT. The bill is in the Senate now.

Mr. OVERMAN. I thought it was still in Committee of the Whole.

The VICE PRESIDENT. No; it is in the Senate now; and the question is, Shall the Senate concur in the amendment made in the Committee of the Whole? Before that vote is taken, either before or after, the Chair thinks amendments can be offered.

Mr. NELSON. Mr. President, it seems to me the question now is on concurring in the amendment in the Senate, and if we concur in that amendment as an entirety that cuts off other amendments. We must amend, if we amend at all, before we concur in the amendment made in Committee of the Whole.

The VICE PRESIDENT. The Chair is ruling that the amendment of the Senator from Missouri is now in order.

Mr. REED. Mr. President, I purpose offering the amendment, which was defeated yesterday by two votes, exactly as I offered it at that time, including the amendment suggested by the Senator from Arkansas [Mr. CLARKE], so that the amendment will embrace the amendment of the Senator. I am striking out the word "calculated," which I employed in a sense to mean "the effect of," and inserting in lieu of it the words "the effect of which is," and I am also inserting the word

"discriminations," so that the amendment as I now offer it reads as follows:

The term "unfair competition" is hereby defined to embrace all those acts, devices, concealments, threats, coercions, deceptions, frauds, discriminations, dishonest practices, false representations, slanders of business, and all other acts or devices, whether of like nature with those herein enumerated or not, done or used with the intent or the effect of which is to destroy or unreasonably hinder the business of another or prevent another from engaging in business, or to restrain trade or to create a monopoly.

Mr. President, I shall not weary the Senate further than to say that, in my judgment, the Senate having voted down this definition and all other definitions of the term "unfair competition," the courts, in construing that term, will take that fact into consideration and are much more likely to give the term a limited meaning—that is, a meaning which will make it apply only to the substitution of goods—than they would if the amendments had not been before the Senate. I am asking for this vote, however, because I trust the amendment may be agreed to and because I think it is absolutely essential to make the bill a sound and workable bill.

I ask that the amendment may be read, and upon the amendment I ask for the yeas and nays.

Mr. NEWLANDS. Mr. President, pursuant to the assurance which I gave the Senator from Missouri, the Committee on Interstate Commerce was called together this morning with a view of considering this amendment. The conclusion of the committee was to adhere to the language used in section 5, and to oppose this amendment.

The VICE PRESIDENT. The Secretary will state the amendment offered by the Senator from Missouri.

The SECRETARY. It is proposed to add to the bill a new section, to be known as section 6, and to read as follows:

SEC. 6. The term "unfair competition" is hereby defined to embrace all those acts, devices, concealments, threats, coercions, deceptions, frauds, discriminations, dishonest practices, false representations, slanders of business, and all other acts or devices, whether of like nature with those herein enumerated or not, done or used with the intent or the effect of which is to destroy or unreasonably hinder the business of another or prevent another from engaging in business, or to restrain trade or to create a monopoly.

Mr. WALSH. Mr. President, I inquire whether the words "or calculated" were stricken out and others substituted in lieu thereof?

Mr. REED. Yes; they were changed to "or the effect of which is."

Mr. WALSH. That is an improvement; but I am very sure the amendment as now proposed by the Senator from Missouri does not accurately express the idea he has in mind. I move to substitute for the words "is hereby defined to," in the first and second lines, the word "shall," so that it will read:

The term "unfair competition" shall embrace all those acts—

And so forth, leaving it to have such application as the term may be entitled to.

Mr. REED. I accept the amendment offered by the Senator from Montana.

Mr. JONES. Mr. President, I do not desire to discuss the amendment, but I wish to ask the Senator from Nevada a question. The only argument presented by him in opposition to the amendment offered by the Senator from Missouri is the statement that the committee met this morning and decided to adhere to its position. I wish to ask the Senator how many members of the committee were present at the meeting.

Mr. NEWLANDS. Seven.

Mr. JONES. And how many members are there of the committee?

Mr. NEWLANDS. There are 13, I think, but I am not sure. Mr. JONES. If there are 13 there was a quorum present, but if there are 15 there was not a quorum present.

Mr. NEWLANDS. Seven constitutes a quorum of the committee.

Mr. REED. Mr. President, I do not understand the Senator from Nevada to hold that the action of a majority of a quorum of the committee is at all conclusive upon the Senate.

Mr. NEWLANDS. Not at all.

Mr. GRONNA. Mr. President, I wish to ask the Senator from Missouri a question. The Senator from Missouri has argued that the phrase "unfair competition" confers upon the commission legislative authority. Is it not true that the phrase which appears in his amendment on line 4, after the word "business," would also confer legislative authority upon the commission? I read the language:

And all other acts or devices done or used with the intent or the effect of which is to destroy or unreasonably hinder the business of another or prevent another from engaging in business.

Would not that confer legislative authority upon the commission, just as much as the phrase "unfair competition"?

Mr. REED. I think not. I think it is a term of definite meaning under the law, and that it does not at all carry the idea

of conferring legislative authority. I feel very well satisfied of that.

Mr. JONES. Will the Senator allow me to interrupt him just a moment? Referring to the remark of the Senator from Nevada, I feel that the meetings of the Interstate Commerce Committee have not been very well attended. The chairman is mistaken in the idea that there are only 13 members of the committee; at least, according to my directory, there are 16.

Mr. NEWLANDS. I stated that I was not sure about the number. I have given my impression. A number of the members of the committee are absent from the city—five or six; but there was a quorum present.

Mr. GRONNA. I only wish to say another word with regard to this amendment.

I have been considerably troubled in my mind over this particular phrase. Not being a lawyer, I do not know whether it is constitutional or not; but it seems to me that it will be just as difficult to define the language used in the amendment offered by the Senator from Missouri as it is to define the words "unfair competition."

I do not know whether this bill will be of any substantial benefit to the people of this country or not. Undoubtedly those who have written the bill believe that it will be beneficial. Without casting any reflection upon the courts of our country, however, I do believe that if the provisions of the first section of the antitrust law had been enforced there would be no need for this legislation.

Section 1 of that law provides:

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding \$5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Mr. President, if the penalty of imprisonment had been imposed I take it that this measure would not be before Congress. If the men who have violated this statute had been sent to the penitentiary I believe these conspiracies in restraint of trade would have been eliminated and at least some of the big corporations would have been broken up. In the hope that this law will do no harm, but that the commission will have the authority to call the attention of the people of the country not only to the abuses of the law but to the illegal practices which have been used, and which I suppose will be used in the future, by the great corporations, I shall vote for the bill. I can not vote for the amendment proposed by the Senator from Missouri, however, because, as I have stated, it seems to me that it will be just as difficult to define the words which he uses in his amendment as it is to define the words "unfair competition."

Mr. CUMMINS. Mr. President, I hope the amendment proposed by the Senator from Missouri [Mr. REED] will not be adopted. I believe it will weaken the law rather than strengthen it. I believe the terms he has employed in his amendment to define "unfair competition" are more uncertain and indefinite than the words themselves.

I do not intend to repeat the argument I have more than once made during the consideration of the bill with respect to the sufficiency and certainty of the words "unfair competition." I simply record my belief with regard to the effect of the amendment if it should be adopted.

I have another objection to the amendment, however, which hitherto has not been stated, because there was no opportunity to state it. All these devices and acts, such as deceptions, frauds, dishonest practices, false representations, slanders of business, and other things of that kind, must be done or used with the intent or with the effect of destroying or unreasonably hindering the business of another or of preventing another from engaging in business. That is to say, before the Government can enforce this section, if the amendment now proposed is made a part of it, it must prove that these things were done with the intent upon the part of the person who performs or does them to destroy or unreasonably hinder the business of another. It omits the great public interest. There can be unfair competition in which the public is interested without any intent as described in the amendment.

Mr. REED. Mr. President—

Mr. CUMMINS. I yield for a moment, because I have but a moment.

Mr. REED. I am addressing myself to that particular statement. What interest has the public unless the trade is restrained or unless the act tends to the creation of a monopoly? What other interests can the public have?

Mr. CUMMINS. I come immediately to the latter. The words "or to restrain trade or create a monopoly" are entirely

surplusage. They ought not to be here at all. Any acts, whether deceitful or fraudulent or dishonest or false, if done in the way of a restraint of trade or in the way of creating a monopoly, are now denounced and prohibited by the antitrust law. You have included in this amendment the intent to restrain trade and the intent to create a monopoly in order to make the acts which you have described unlawful under the law.

Mr. REED. I hope the Senator will not leave the impression that the intent must be shown when the language is plainly in the alternative. It is the intent or the effect of the act.

Mr. CUMMINS. Yes.

Mr. REED. If it have either the intent or if it have the effect. The Senator ought not to try to make his argument that you must prove the intent.

Mr. CUMMINS. I said a moment ago that if the effect is to restrain trade or to create a monopoly we have a complete and perfect prohibition in the antitrust law. If it be simply the intent at some time in the future to restrain trade or create a monopoly, then in order to bring the phrase the Senator from Missouri has used within the prohibition of the law you must prove the intent.

Mr. REED. No, Mr. President; I hope the Senator will not make that argument, particularly when in addition to this there is also the language "calculated to destroy or to unreasonably hinder the business of another or to prevent another from engaging in business." If you stopped there and did not add the words "or to restrain trade or to create monopoly," the statute would not be as broad and as strong and as far-reaching as it is with those words. All the Senator's argument is based upon the theory that these things are cumulative and connected by the article "and."

Mr. CUMMINS. I can not yield if the interruption is to be taken out of my time.

The VICE PRESIDENT. The Chair has no way to keep time occupied between Senators.

Mr. CUMMINS. Then the Senator—

Mr. REED. I ought not to interrupt the Senator, but will he allow me? The Senator is arguing this as though the bill read "and to" instead of "or to."

Mr. CUMMINS. Mr. President, I made myself, I think, perfectly clear. There must be an intent, or the act must have the effect of destroying or unreasonably hindering the business of another, or there must be the intent to restrain trade or create a monopoly, or there must be the effect of restraining trade or monopoly. In either event the Senator from Missouri, to use a phrase I heard not long ago in the Chamber, has attempted to elucidate the simple by using the complex, and the adoption of his amendment will, in my opinion, not destroy the law which we propose to make, but will greatly weaken and enfeeble the law. I sincerely hope that it will not be adopted.

Mr. PITTMAN. Mr. President, the Senator from Iowa by his argument would indicate that he believes the unlawful acts named in the amendment constitutes the sole definition of unfair competition. As I read the amendment it does not prohibit an additional definition being given to those words. It simply says that there shall be embraced within unfair competition the particular acts that are named. Any other act that the court may determine to be unfair competition may be construed to be unlawful and within the definition in addition to the acts that are set out in the amendment. In other words, if a bill of sale should be drawn of this Capitol Building and all the furniture within the building, particularly mentioning the desks within this Chamber, it would not limit the grant in the bill of sale to the desks. All the other furniture in the Capitol Building would be conveyed by the bill of sale, including the particular furniture mentioned in this Chamber, and the mention of the furniture in this Chamber would not limit the grant.

This amendment, if I understand it, and if I did not understand it in that way I would never vote for it, simply specially includes certain acts and the language is placed there for the sole purpose that no matter how a court may construe the law as to other acts, these acts must be construed as unfair competition. That is the reason why I intend to vote for the amendment.

Mr. WALSH. Mr. President, one point in connection with this matter, it seems to me, is worthy of consideration. Section 1 of the Sherman Antitrust Act denounces nothing whatever except contracts which are combinations and conspiracies; that is to say, there must be something in the nature of a combination in order to fall within the condemnation of that act. So the amendment covers a field quite separate and apart from that. But I am disposed to believe that the second section of the act in relation to monopoly is quite different in character. It provides as to every person who shall monopolize or attempt to monopolize or combine or conspire. Accordingly it seems to

me that all the things referred to in the amendment, or any of them, if done with the intent or with the effect to create a monopoly, constitute an offense against the Sherman Antitrust Act and need not be provided for in this bill. So I suggest to the Senator from Missouri that at least the words "or to create a monopoly" ought certainly to go out.

Mr. REED. I call the Senator's attention to the fact that the words "or to restrain trade or to create a monopoly" are cumulative. If we should strike them out, the bill would not be as broad as it would be with them in. It is not required to show restraint of trade or monopoly, but that the acts complained of hinder the business of another, or prohibit another from engaging in business, or restrain trade.

Mr. WALSH. The Senator has not appreciated the idea, I think, that I am endeavoring to convey to him. I convey to him the idea that any of these things done with the intent to create a monopoly are already offenses under the Sherman Antitrust Act and should be left to be dealt with under the Sherman Antitrust Act. We are endeavoring in this act to reach cases and instances that are not there dealt with.

Mr. REED. Does the Senator move to strike out those words?

Mr. WALSH. No; I do not. I shall vote for it, on reflection.

Mr. REED. If there is objection to those words, I am willing to amend by striking out the words "or to restrain trade or to create a monopoly."

The VICE PRESIDENT. The Senator from Missouri offers to modify his amendment?

Mr. REED. Yes.

The VICE PRESIDENT. The Secretary will restate the amendment as modified.

The SECRETARY. At the end of the proposed amendment the words "or to restrain trade or to create a monopoly" are now withdrawn, so that the proposed amendment will read:

SEC. 6. The term "unfair competition" shall embrace all those acts, devices, concealments, threats, coercions, deceits, frauds, discriminations, dishonest practices, false representations, slanders of business, and all other acts or devices, whether of like nature with those herein enumerated or not, done or used with the intent, or the effect of which is to destroy or unreasonably hinder the business of another or prevent another from engaging in business.

Mr. WHITE. Do I understand the Senator from Missouri to agree with the construction placed upon his amendment by the Senator from Nevada [Mr. PITTMAN], namely, that the phrase "unfair competition" would have the full scope and effect with his amendment as it would have before the amendment was offered?

Mr. REED. I hold to the theory that if the words "unfair competition" have the broad meaning asserted by the Senator from Nevada, these words will not take that meaning away; but if they have the narrow meaning contended for by many of us, these words will breathe life and vitality into the act. That is the position I take.

Mr. WHITE. Then, Mr. President, the scope and meaning of the expression "unfair competition" will not be narrowed by the other words used in connection with it in the amendment, but will have the same scope in the amendment, if adopted, as it would have had in the bill. If this is true, if the amendment be adopted we will not avoid the uncertainty claimed to inhere in the expression by those who are opposed to its use; but we will have to carry the additional burden of proving the specific intent with which the prohibited acts were done—that is, to destroy or unreasonably hinder the business of another, or that the acts done had the effect of injuring or hindering the business of a rival. The proof of the specific intent with which an act was done is, as all lawyers know, difficult to make. If this intent is not proven, then the injurious effect on the business of the rival must be shown.

Mr. REED. If the Senator addresses that question to me, it is required to prove intent. All these acts stand by themselves, and in addition to the acts is the phrase "done with the intent." That does not apply to those particular practices; it is a general term.

Mr. WHITE. I must insist that, as I construe the amendment, to give effect to the amendment the intent with which the act is done must be shown, or that the act had the effect to destroy or unreasonably hinder the business of the rival. It will be observed that the amendment does not provide that if an act done tends to produce the result that will violate the act, but that the result itself must be accomplished.

In law there are certain circumstances where the intent is to be inferred as a matter of law, but in the great majority of cases the specific intent must be proven, and while the intent may be inferred from the act, the contrary may also be inferred. The intent may or may not be inferred, owing entirely to the grasp of the mind of the person who is to consider and construe the evidence.

Mr. REED. If I do not interrupt the Senator—

Mr. WHITE. Certainly not.

Mr. REED. I know the Senator wants to argue this exactly as it is and as he sees it.

Mr. WHITE. Yes; I am trying to do that.

Mr. REED. I will call his attention to the fact that the language is, "done or used with the intent." We do not stop there—"or the effect of which is." Now, if either is present the statute covers it. Certainly the Senator would not say an act ought to be condemned by a law when the intent is not to destroy or hinder the business of another or prevent another from engaging in business where the intent is absent and also where the effect was absent. Either the effect or intent is fatal. I call the Senator's attention to that.

Mr. WHITE. I understand. I said that the specific intent with which the act was done must be proven, or you must prove that the act had the effect which the amendment requires it to have. I was urging the difficulty in proving a specific intent, and if you did not prove the specific intent required in the amendment, then you must prove that the effect required by the amendment to be produced had been accomplished. It is not sufficient under the amendment to prove that the act tended to accomplish the end.

With all these burdens and difficulties entailed, if the amendment is adopted, we accomplish nothing by the amendment in the way of giving certainty and definiteness to the phrase "unfair competition." It is left by the amendment as uncertain and indefinite as is claimed by the author of the amendment it is in the bill.

As I understand, one of the main objects of this legislation is to prevent a rival in business from using unfair competition to drive his competitor out of business and to prevent this before the business is destroyed. Therefore the provision in the amendment that the unfair acts and practices had to have the effect to destroy or unreasonably hinder the business of another would neutralize this useful feature of the enactment.

Mr. REED. Mr. President, I ask leave to further amend the amendment, at the suggestion of certain of my colleagues, by striking out, in the second line, the words "those acts." It simply smooths the language. I ask that it be read in that shape.

The VICE PRESIDENT. The Secretary will again state the proposed amendment.

The SECRETARY. It is proposed to modify the amendment in line 2 by striking out the words "those acts" and the comma after the word "acts"—

Mr. REED. Mr. President, after the word "business," in line 4, I move to strike out the words "and all other acts or devices" and to insert "all other acts, whether of like character with those herein enumerated or not," so that it will read in that way.

The VICE PRESIDENT. The Secretary will state the amendment as now modified by the Senator from Missouri.

The SECRETARY. In line 4 it is proposed to strike out the words "or devices," so that as modified the amendment will read:

SEC. 6. The term "unfair competition" shall embrace all devices, concealments, threats, coercions, deceits, frauds, discriminations, dishonest practices, false representations, slanders of business, and all other acts, whether of like nature with those herein enumerated or not, done or used with the intent or the effect of which is to destroy or unreasonably hinder the business of another or prevent another from engaging in business.

Mr. MYERS. Mr. President, I did not have the honor of being at the meeting of the Committee on Interstate Commerce this morning in person, although I was there by proxy, for the purpose of making a quorum. I have great respect for the views and the conclusions of that committee, but I desire and intend to vote my individual sentiments in the Senate on this amendment.

I have come to the conclusion that this bill ought to contain some definition of the words "unfair competition." I believe those words ought to be defined as clearly as possible, in order to apprise the people of the country of what is to be expected of them by this proposed law, and all the more so since the amendment to section 5 of the bill, offered by the Senator from Iowa [Mr. CUMMINS], has been adopted, which takes away from the people affected the free and full right of direct appeal from the action of the commission.

It is true that that may be done under circumstances similar to those under which an appeal will lie from the rulings of the Interstate Commerce Commission; actions may be brought to enforce or set aside the rulings of the commission, but that must be by separate action. As I understand, there is no direct right of appeal or review to a court.

I can see that it would be a great deal more just and necessary to provide for a right of appeal in this bill than in the

law creating the Interstate Commerce Commission, because that law relates to interstate railroads, to common carriers and public utilities, quasi-public corporations, creatures of the Government, which can exercise the right of eminent domain and many other rights under the law, while this proposed law applies to the individual. A wholesale grocer in Kansas City, who may do an interstate business, does not owe his right of existence to the Government. Individuals have certain inherent rights which, I think, really ought to be passed upon by the courts when brought into question, and this is the only instance of which I know under our Government where the rights of an individual citizen may be passed upon, construed, or denied to him by a board or a commission or an inferior court without there being accorded to him the full and free right of appeal to a higher court.

I do not think there is any analogy between the denial of the right of appeal in this bill and in the interstate-commerce law. The people who are to be affected and whose rights are to be passed upon by this board not having a full and free right of appeal to a court of law, I think it is all the more essential that they should be as explicitly as possible informed of what is expected of them by this bill and what their conduct may and may not be under it.

Therefore, believing that this amendment explains to a very large degree what is intended by the words "unfair competition," I think it ought to be adopted.

Mr. HOLLIS. Mr. President, I am opposed to the adoption of this amendment. I believe that the majority of the Senate wish to perfect this proposed act so that it will prevent the practices against which it is aimed. The Committee on Interstate Commerce has had this matter in charge for two or three months. Every suggestion that has come up has been carefully considered by them. Now that we approach the final stage of the bill, and there is little time for deliberation, it is very dangerous to allow the enemy of the bill to amend it. I say that advisedly; I say it fairly, because it is an undoubted fact from the several elaborate and learned speeches that have been made by the junior Senator from Missouri [Mr. REED] that he is hostile to this bill.

I do not charge, I do not claim, that the Senator from Missouri is opposed to antitrust legislation. I believe that he is in favor of proper antitrust legislation. But so long ago as June 25 he made an extended speech, a forceful speech, in which he said he was against this bill because he is against government by commission, and in the several speeches which he has made since I have not heard him take that back or say that he intends to vote for this bill, no matter what its final shape may be.

Mr. REED. Mr. President—

Mr. HOLLIS. I yield to the Senator for a question, but not for a speech.

Mr. REED. Of course, I have not said that I intend to vote for this bill, no matter what its final shape may be.

Mr. HOLLIS. I am very glad, indeed, to hear it.

Mr. REED. A man who said that he intended to vote for a bill, no matter what its final shape might be, would be a fit subject for a lunatic asylum.

Mr. HOLLIS. I yielded for a question. The Senator from Missouri argued this question yesterday.

Mr. REED. The Senator has said—

Mr. HOLLIS. I decline to yield further. The Senator argued this matter for 3 hours yesterday, and I now have only 10 minutes. I am willing to yield for a question, but not for argument.

Mr. REED. Will the Senator yield for a correction?

Mr. HOLLIS. Yes; I will yield for a correction.

Mr. REED. Has not the Senator heard me say a number of times within the past few days in these discussions that it was because I was a friend of remedial legislation that I wanted to put in a proper definition of "unfair competition"; that I thought if that definition did not go in the bill would accomplish nothing, and that if it did go in the bill would be a strong bill?

Mr. HOLLIS. I have heard the Senator say words to that effect, but I have not yet heard him say that he is in favor of government by commission or in favor of this commission. In fact, day after day he has said that he wants to leave things to the courts and not to a commission, just as if a man who put on a robe and sat on a bench was of a superior clay to a man who happened to be called a commissioner. Now, I say that the Senator, if he has shown anything, has shown that he is hostile to the main conception of this bill. Whether he will vote for it finally of course we can not guess and he can not tell us; but I do say that the feeling he has shown against the bill proves that it is dangerous to accept an amendment from him, because it is doubtful if it will improve the bill, and I shall

show, if I am not too much interrupted, I think, that this amendment will hurt the bill.

I wish further to say that the Senator is not a safe guide on this measure. In the first speech he made he argued that the bill would be unconstitutional; and I certainly do not suppose that he is going to vote for a bill that he thinks is unconstitutional. He has not yet corrected himself on that, so far as I have heard.

Mr. REED. Oh, Mr. President—

Mr. HOLLIS. I decline to yield. The Senator has already used up a large part of my time.

Mr. REED. Mr. President, the Senator—

The VICE PRESIDENT. The Senator from New Hampshire has the floor and declines to yield.

Mr. REED. Very well.

Mr. HOLLIS. I expect to say a great many things before I get through, if I am not interrupted, which the Senator will not like. He has not liked what I have said, but I am going to say more. In the first speech the Senator made on this bill—and I am going to show now that he is an unsafe guide in this matter, because twice he has proved that he was wrong—in the first speech which he made he based the argument of unconstitutionality on the case of Louisville & Nashville Railroad Co. against McChord, a decision by a United States district judge, which it has been shown was overruled and reversed by the Supreme Court of the United States. The Senator was sincere and earnest in his argument at that time, as he is sincere and earnest now; but he was mistaken then, as he is mistaken now.

In the course of the same speech the Senator announced with all the force and vigor of which he is capable—and that is a great deal—the proposition contained in these words, on page 12161 of the current RECORD:

Mr. President, I undertake to say that there are no decisions of courts that amount to a rule of law as to what constitutes unfair competition.

Then on the 13th of July, I think it was, he took that back and said there were numerous cases which did define and restrict the term "unfair competition." When he took that second position he was just as honest, just as earnest, just as sincere, just as eloquent, and just as convincing as he has been this week in arguing in behalf of his definition of the term "unfair competition"; and I say that if we had followed him the first two times we would have followed him on unsound arguments and unsound authority, and if we follow him to-day we will be following him into the same wilderness.

The amendment which the Senator has offered has been changed seven times since I first heard of it yesterday. It has been changed in every line save one and it ought to be changed in every line. The members of the committee have had this matter under consideration all these months, and not one of them has presumed to offer a definition of "unfair competition." The term can not be defined without limiting its effect. It is argued that this amendment is now in such shape that it will not limit the scope of the phrase; but we all know the maxim that the expression of one is the exclusion of others. The amendment is a descriptive and, therefore, limiting term, or it amounts to nothing.

If this amendment is adopted the Senator will have succeeded in getting into this bill a provision that will abolish any act in the way of competition. If anyone will read the amendment he will see that that is so, for it proposes to make unlawful—the word "acts" has been cut out—

all devices * * * used with the intent, or the effect of which is, to destroy or unreasonably hinder the business of another.

That would include every device, no matter how fair it might be, that would tend to drive a man out of business. If you undertook to undersell him honestly or to give better service, you would come under the prohibition of this amendment. Any Senator who reads it can see that that is its effect. If the Senators on the other side are as adroit and as able as I think they are, if this amendment is adopted they will seize on this amendment to defeat the bill by saying that the bill in its present shape prevents any competition, fair or unfair.

This effort to define "unfair competition" without using the word "unfair" or "competition" is like a little game we used to play in childhood, trying to spell a word without using any of the letters that were really in the word. The prize word was "coffee," which would be spelled "k-a-u-p-h-y," not a single letter appearing in that spelling that is really in the word "coffee" in the way it is correctly spelled.

This amendment is merely an attempt to spell "coffee" k-a-u-p-h-y; that is all it is. It is not as good a word; it is not as good a description; it does not accomplish the purpose.

The Senator said yesterday that in all the acts from which he read and to which I referred in my former speech there was not one State statute that attempted to define the expression

"unfair competition." That is true; no member of the committee has undertaken to define it, and I say in all candor that I believe it can not be defined without mangling the bill, without restricting its effect, and without spoiling it.

Mr. REED. Mr. President, the remarks of the Senator are so much in the nature of a personal attack that I think I ought to be permitted to say, rather on the ground of privilege, that the Senator well knows that when I was first arguing the question as to the meaning of this term I was arguing it along this line of thought, that the term "unfair competition" did not have the meaning attributed to it. I explained in the next address I made that that was what I meant, and then went on to say that it did, however, have a totally different and specific meaning. The Senator knows that, and if he does not know it his legal adviser ought to be able to tell him.

I think I know, since the Senator has told us of his efforts to spell the word "coffee" without using any letter in the word, where he obtained the natural bent of the intellectual processes which he has ever since followed.

SEVERAL SENATORS. Question!

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Missouri, on which he asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the senior Senator from Oklahoma [Mr. OWEN]. In his absence I withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from North Carolina [Mr. SIMMONS] and vote "nay."

Mr. CRAWFORD (when his name was called). Upon this particular question I have a pair with the junior Senator from Tennessee [Mr. SHIELDS] and will withhold my vote.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Alabama [Mr. BANKHEAD] and vote. I vote "nay."

Mr. SMITH of Maryland (when his name was called). I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. THOMAS. I announce the same pair as on the previous roll call, and withhold my vote.

The roll call was concluded.

Mr. KENYON. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE], if present, would vote "nay."

The result was announced—yeas 29, nays 33, as follows:

YEAS—29.

Brady	Hitchcock	Overman	Sutherland
Bryan	Jones	Page	Vardaman
Burton	Kenyon	Perkins	Walsh
Chilton	Lane	Pittman	Weeks
Clark, Wyo.	McCumber	Pomerene	West
Clarke, Ark.	Myers	Reed	
Colt	Nelson	Sterling	
Gallinger	O'Gorman	Stone	

NAYS—33.

Ashurst	Hughes	Martine, N. J.	Smith, Md.
Bristow	James	Newlands	Smoot
Camden	Johnson	Ransdell	Swanson
Chamberlain	Kern	Saulsbury	Thompson
Clapp	Lea, Tenn.	Shafroth	Thornton
Cummins	Lee, Md.	Sheppard	White
Fall	Lewis	Shively	
Gronna	Lippitt	Smith, Ariz.	
Hollis	Martin, Va.	Smith, Ga.	

NOT VOTING—34.

Bankhead	Fletcher	Penrose	Stephenson
Borah	Goff	Polindexter	Thomas
Brandeggee	Gore	Robinson	Tillman
Burleigh	La Follette	Root	Townsend
Catron	Lodge	Sherman	Warren
Crawford	McLean	Shields	Williams
Culbertson	Norris	Simmons	Works
Dillingham	Oliver	Smith, Mich.	
du Pont	Owen	Smith, S. C.	

So Mr. REED's amendment was rejected.

Mr. LIPPITT. Mr. President, I should like to offer an amendment which is so simple that I hope the committee will accept it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "act" on page 18, line 8, it is proposed to insert:

Including the cost to the corporation of any investigation it may be subjected to.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. NEWLANDS. Where is the amendment to be inserted?

The SECRETARY. On page 18, after the word "act" and the comma at the end of line 8, it is proposed to insert:

Including the cost to the corporation of any investigation it may be subjected to.

Mr. LIPPITT. I will say, for the enlightenment of the Senator in charge of the bill, that the only purpose of the amendment is this: In the course of my consideration of this subject I was very much struck by the absolute impossibility of finding out the cost of the various investigations that were being made by various commissions all around. I think it would be very desirable to be able to find out, in some one place, how much it costs to carry on this commission form of government.

Inasmuch as we have the cost on one side—that is, the cost to the Government of doing this—and inasmuch as the commission will have full power and authority, under the powers already given to it, to get all these kinds of information, it seems to me it would be a very useful part of the report on any special occasions if they included the cost to the corporation.

I hope the Senator from Nevada will accept that amendment.

Mr. NEWLANDS. I am not prepared to accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

Mr. LIPPITT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). Again announcing my pair, I transfer it to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. CULBERSON (when his name was called). I again announce my pair, and abstain from voting because of the absence of the senior Senator from Delaware [Mr. DU PONT].

Mr. SMITH of Georgia (when his name was called). Again transferring my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Alabama [Mr. BANKHEAD], and allowing that transfer to continue for the balance of the day without repeating it, I vote "nay."

Mr. SMITH of Maryland (when his name was called). Announcing my pair with the senior Senator from Vermont [Mr. DILLINGHAM], I transfer it to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "nay."

Mr. THOMAS (when his name was called). I understand that my pair and I are in accord upon this amendment, and I therefore vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from North Carolina [Mr. SIMMONS], I vote "nay."

The roll call having been concluded, the result was announced—yeas 16, nays 46, as follows:

YEAS—16.

Brandeggee	Gallinger	McLean	Sterling
Burton	Lane	Page	Sutherland
Clark, Wyo.	Lippitt	Perkins	Thomas
Colt	McCumber	Smoot	Weeks

NAYS—46.

Ashurst	Hollis	Nelson	Smith, Ga.
Brady	Hughes	Newlands	Smith, Md.
Bryan	James	O'Gorman	Stone
Camden	Johnson	Overman	Swanson
Chamberlain	Jones	Pittman	Thompson
Chilton	Kenyon	Pomerene	Thornton
Clarke, Ark.	Kern	Ransdell	Vardaman
Crawford	Lea, Tenn.	Saulsbury	Walsh
Cummins	Lee, Md.	Shafroth	White
Fall	Martin, Va.	Sheppard	Williams
Gronna	Martine, N. J.	Shively	
Hitchcock	Myers	Smith, Ariz.	

NOT VOTING—34.

Bankhead	Fletcher	Penrose	Smith, S. C.
Borah	Goff	Polindexter	Stephenson
Brandeggee	Gore	Reed	Tillman
Burleigh	La Follette	Robinson	Townsend
Catron	Lewis	Root	Warren
Clapp	Lodge	Sherman	West
Culbertson	Norris	Shields	Works
Dillingham	Oliver	Simmons	
du Pont	Owen	Smith, Mich.	

So Mr. LIPPITT's amendment was rejected.

Mr. POMERENE. Mr. President, I send to the desk an amendment to section 5; and before it is read I desire to make a very brief explanation.

This amendment is offered in lieu of section 5 as it was reported to the Senate from the Committee of the Whole, save only the proviso which has been adopted. It is the same amendment I proposed in the Committee of the Whole, with perhaps two modifications.

The so-called Cummins amendment was made to apply to the acts of persons, partnerships, and corporations. The amendment which I offered in Committee of the Whole has been

modified so as to apply also to the acts of persons, partnerships, and corporations. Also, there was objection made to the methods of review. I have provided, in the proposed amendment, simply for a review of the final decree of the circuit court of appeals by the Supreme Court on certiorari only; and, as Senators who are familiar with the practice in the courts well know, it is a very rare case when a writ of certiorari is issued by the Supreme Court.

My purpose in offering this amendment again is to call attention briefly to the very great difference between the provisions of the amendment offered by the Senator from Iowa and the provisions of that offered by myself in this respect. Under the amendment of the Senator from Iowa there is no provision whereby the complainant before the commission can have any hearing whatsoever if the decision of the commission is against him. I understand that this is not, in any ordinary sense of the term, an adversary proceeding; it is one *sui generis*. I care not, however, what it may be nominally; as a matter of fact, it will be an adversary proceeding, in that the commission will not be set in operation unless a complaint is made from somewhere, by somebody. Then, under the amendment as it was adopted in the Committee of the Whole, you will have this situation:

It may be that a complaint has been made by a person, a partnership, or a corporation against a person or partnership or corporation; and if the decision of the commission is in favor of the complainant, then the accused party can have the proceedings of the commission reviewed by making an application in the United States district court. If, however, the decision of the commission is against the complaining party, then the complaining party will have no right, under the machinery which is provided here, to a review in the courts above.

It is just as likely that the commission will be wrong in dismissing the complaint as it is that it will be wrong in finding against the accused. To my mind it is un-American to say of two persons to a controversy that one may have a right of review and the other may not; and it is because of my belief that both parties should be entitled to the same hearings that I offer this amendment, and hope for its favorable consideration by the Senate.

Let me say just one word further. The objection was made, when my amendment was first proposed, that there would be the further taking of testimony in the district court. That was eliminated before the amendment was voted upon in Committee of the Whole, and that is eliminated now from the amendment which I propose, so that all of the testimony must be heard before the commission, and the hearing in the district court or the courts above can be only upon the record as it is made by the commission.

I now ask that the amendment may be read.

THE VICE PRESIDENT. The Secretary will read the amendment.

THE SECRETARY. In lieu of section 5, except the provisos at the end thereof, it is proposed to insert:

SEC. 5. That unfair competition in commerce is hereby declared unlawful. The commission is hereby empowered and directed to prevent persons, partnerships, and corporations from using unfair methods of competition in commerce.

Whenever the commission, either upon information furnished by its agents or employees, or upon complaint of any interested person, partnership, or corporation duly verified by affidavit has reason to believe that any person, partnership, or corporation is violating any of the provisions of this section it shall issue and cause to be served a notice accompanied with a written statement of the violation charged upon such person, partnership, or corporation, which shall thereupon be called upon within a reasonable time fixed in such notice, not to exceed 30 days thereafter, to appear and show cause why an order should not issue to restrain and prohibit the violation charged, and upon a hearing held pursuant to such notice the commission shall make and file its findings, and if it shall appear that such person, partnership, or corporation is guilty of the violation charged, then the commission shall issue and cause to be served on such person, partnership, or corporation an order commanding forthwith said person, partnership, or corporation to cease and desist from such violation within the time and in the manner prescribed in such order. Any such order may be modified or set aside at any time by the commission issuing it for good cause shown.

If any person, partnership, or corporation charged with obedience thereto fails or neglects to obey any such order, the said commission by its attorneys, if any it has, or by the appropriate district attorney, acting under the direction of the Attorney General of the United States, may apply for an enforcement of such order to the district court of the United States for the district wherein such person, partnership, or corporation has its domicile, or wherein any of the acts complained of were committed, or wherein the said person, partnership, or corporation transacts any business, and thereupon transmit to the said court the original record in the proceedings, including all the testimony taken therein and the report and the order of the commission duly attested by it. Upon the filing of the record the court shall have jurisdiction of the proceeding and of the questions determined therein, and shall have power to make and to enter upon the pleadings, testimony, and proceedings such orders and decrees as may be just and equitable. On motion of the commission and on such notice as the court shall deem reasonable the court shall set down the cause for summary final hearing on the record and testimony so returned. Disobedience to any order or decree which may be made in any such proceeding or any injunction or other process issued therein shall be punished by a fine not exceeding \$100 a day during the

continuance of such disobedience or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Any party to any proceedings brought under the provisions of this section, including the person, partnership, or corporation upon whose complaint such proceedings shall have been begun, if begun on such complaint, as well as the United States, by and through the Attorney General thereof, may obtain a review of the findings or final order made by such commission in any district court having jurisdiction to enforce any order which might have been made in the proceeding by such commission as hereinbefore provided by serving notice upon the adverse party, if there be one, and filing the same with the said commission at any time within 30 days from the date of the entry of the findings or the order to be reviewed, and thereupon the same proceedings shall be had as are prescribed herein in case of an application for the enforcement of an order made by the commission.

The pendency of such application for review shall not of itself stay or suspend the operation of the order of the commission, but the district court, in its discretion, may stay or suspend, in whole or in part, the operation of the order of the commission pending the final hearing and determination by the court. No order or injunction so staying or suspending any such order shall be made by the district court except upon notice and after hearing save that in cases where irreparable damage would otherwise ensue to the applicant, said court may, on hearing, after not less than three days' notice to the commission and the adverse party, if there be such, allow a temporary stay or suspension, in whole or in part, of the operation of the order of the commission for not more than 60 days from the date of the order of such court, in which case the said order shall contain a specific finding that such irreparable damage would result to the applicant. The court may, upon like application and showing, continue the temporary stay or suspension, in whole or in part, to such further period as it may deem proper.

Any final order or decree made by any district court in any proceeding brought under this section may be reviewed upon appeal, as in cases in equity, by the circuit court of appeals having jurisdiction to review the judgments and decrees of the district court making such order, provided that such appeal shall be taken within 60 days from the entry of such order or decree, and the judgment of the circuit court of appeals shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

The commission may provide for the publication of its reports under this section in such form and manner as may be best fitted for public information and use.

MR. SAULSBURY. Mr. President, I am very much in favor of the amendment presented by the Senator from Ohio, and I desire to call attention to an obvious danger which will exist unless, as proposed by this amendment, there shall be some appeal on behalf of the complainant or that he may be entitled to a review of a decision of the commission.

If you have men on that commission, as doubtless you will have, of high character who desire that their decisions shall be right, there will be a tendency on the part of these commissioners to decide all complaints which may come before them where there is any question of doubt against the defendant, because in such event the order of the commission may be reviewed by a court. But if, on the other hand, which I hope will not be the case, you might have on the commission men who were satisfied to make any decision which could not be reversed, all they would have to do would be to decide in favor of the defendant, in which event the complainant would have no remedy.

For this obvious reason I think the amendment of the Senator from Ohio is a good amendment to the bill, and I shall certainly vote for it.

MR. CUMMINS and MR. THOMAS addressed the Chair.

THE VICE PRESIDENT. The Senator from Iowa.

MR. THOMAS. I was merely going to suggest, if the Senator from Iowa will yield a moment, that if the Senator from Ohio will strike out the last sentence, providing for the publication of the reports of the commission, I shall be inclined to support his amendment.

MR. CUMMINS. Mr. President, the amendment now proposed by the Senator from Ohio raises the whole issue between the broad and the limited review of the orders of the commission. It is the same amendment, with one material exception, that he proposed some days ago, which was the subject of a debate running over three or four days and which the Senate finally rejected by a decisive majority.

The material change made in the amendment now offered by the Senator from Ohio as compared with his former one is that the commission is given jurisdiction over persons and partnerships as well as corporations, but in so far as the review of the court is concerned the amendment now proposed is identical with the one he proposed formerly, and it overturns an established policy of the United States. It destroys, in my opinion, all the value of the commission which we are here creating. If his amendment is to prevail we had far better create a less expensive door for entrance into the courts than this commission.

Let us see what it does. In the first place, any individual, or corporation either, wronged by unfair competition practiced by anybody can sue in any court of competent jurisdiction and can recover whatever damages such person or corporation may have suffered by reason of the unfair competition. That is an individual remedy which arises simply because the act declares

unfair competition unlawful. The commission is intended to enforce the law for the public welfare. It is not intended to try cases between individuals engaged in business. If you make the commission simply the original trial court as between individuals who may be interested in unfair practices in trade, you will have destroyed, in my judgment, absolutely its usefulness as a public instrumentality for the purposes of correction.

Mr. WALSH. Mr. President—

Mr. CUMMINS. I hope the Senator from Montana will allow me to go on, for I have only 10 minutes.

Mr. WALSH. I merely want to ask the Senator a question.

Mr. CUMMINS. I am sure the Senator from Montana will then have his opportunity.

In 1906, I repeat, we fought this question out and we determined that we would give to the orders of the Interstate Commerce Commission such power as we constitutionally could give those orders, such effect as we could lawfully confer upon them. If you permit an individual who may be interested in the subject of unfair competition to appeal from the order of the commission to the courts, the courts must try the case de novo. There is no escape from that. The result will be that instead of establishing a code of business morals and enforcing that code upon the people of this country you will have converted the commission simply into a justice of the peace to try cases between individuals.

I earnestly hope that the Senate will not recede from the action it took a few days ago, an action in harmony with the best traditions of the regulation of commerce, an action that I think is commended by the most thoughtful students of this great subject.

I do not, of course, want to impose my individual views upon the Senate in this matter. I am simply appealing for the preservation of the commission as a regulating force in the commerce of this country, guided by the rule that we have established for it, and I am appealing against the broad, unlimited review which is proposed in the amendment of the Senator from Ohio, for if it is adopted I will vote and vote heartily in favor of abolishing the commission entirely, I mean so far as this work is concerned, and permit the law to be enforced, in the first instance, by application to the courts instead of invoking the powers and the jurisdiction of the commission.

Mr. NELSON. Mr. President, I desire to call the attention of the Senator from Ohio to two important omissions, I think, in his amendment. In the amendment in section 5, as it passed through the Committee of the Whole, there were two provisos attached. One was the proviso of the Senator from Iowa providing that the order or decision of the court should not be used in any other case under the antitrust law. Another was an amendment offered by myself, and accepted unanimously, providing that any order of the commission or any judgment thereof should not absolve the defendant from any liability under the interstate-commerce law. Those two have been omitted in the amendment of the Senator from Ohio.

Mr. POMERENE. If I may be permitted to interrupt, I will state that the amendment which I offered was in lieu of all of section 5 save the provisos.

Mr. NELSON. Both the provisos are reserved?

Mr. POMERENE. They are reserved in the amendment.

Mr. NELSON. Very well.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio [Mr. POMERENE].

Mr. KENYON. Mr. President, I wish to say just a word. It seems to me that this is a very vital matter if this commission is to amount to anything at all. If it is to be merely a trap for the unwary, an opportunity to spend money on lawsuits, and for the benefit of lawyers and stenographers, then it would be a good thing to adopt this amendment.

I want to see this commission a success. The Interstate Commerce Commission is a success. It commands the support of the people of this country, who believe in it above any other institution in the country. The sponsors for this bill have been trying to occupy a situation where orders of the Federal trade commission will be analogous in effect and power to the orders of the Interstate Commerce Commission.

Now, let us not turn something loose on the country that would not amount to the dignity of a gold brick. If we are to adopt an amendment of this kind, the poor litigant going through court after court will find himself as badly off as Tittlebat Titmouse with his lawsuit in Warren's famous "Ten Thousand a Year."

I do hope that before we adopt this amendment, if there is any danger of adopting it, giving a review of all the orders, a proceeding practically de novo, Senators will think well and ponder long.

Mr. NEWLANDS. Mr. President, I find myself in a position of some embarrassment regarding this amendment. The bill as drawn provided for no court review. The amendment offered by the Senator from Iowa [Mr. CUMMINS] and recently adopted in Committee of the Whole provided for what is termed a narrow court review. The amendment just offered by the Senator from Ohio [Mr. POMERENE], after the bill was reported to the Senate, constitutes what is called the broad court review. My own view was that it was unnecessary to provide for any court review. The bill as drawn and originally reported provided that the orders of the commission could be enforced only by an application to the court. My view was that the court could, when its power was invoked, give every protection that was necessary to the corporation without specially providing for it. My view was that the court would determine, first, whether the order of the commission invaded the constitutional rights of the corporations affected; second, whether the order was within the authority of the statute giving the commission power to act; and, third, whether the facts stated in the order constituted the offense of unfair competition declared in the statute; and I felt that that was sufficient; that as to the facts themselves the findings of the commission of experts should be conclusive.

When this question came up during the consideration of and debate upon the bill in the Senate as to whether we should have a narrow review or a broad review the matter was considered by the Interstate Commerce Committee. The information which I had was that the entire Judiciary Committee, with the exception of one member, the Senator from Iowa [Mr. CUMMINS], was in favor of a broad review, that that committee had been considering a similar question in connection with four provisions of the Clayton bill, one relating to price discrimination, another relating to tying contracts, and another relating to interlocking directorates, and another to holding companies, the enforcement of which provisions were by the terms of the amended Clayton bill, as amended by the Senate committee, entrusted to the future trade commission.

Understanding that to be the case, an understanding which subsequently proved to be erroneous, and finding that the sentiment of the majority of the Interstate Commerce Committee favored a broad view, I acquiesced, and I supported the amendment offered by the Senator from Ohio [Mr. POMERENE] as the expression of the Interstate Commerce Committee, at the same time candidly stating my individual views, just as I have now presented them. That amendment presented by the committee was lost in the Senate when in Committee of the Whole, and the amendment presented by the Senator from Iowa [Mr. CUMMINS] was adopted, providing for the narrow court review.

Under these circumstances I feel that I am free to vote my own convictions, which are, first, for the maintenance of the bill as it originally stood, without special provision for a court review; and, second, for a narrow court review. I shall therefore vote against the amendment offered by the Senator from Ohio.

Mr. WALSH. Mr. President, I had occasion in the course of some remarks made the other day, when this matter was considered as in Committee of the Whole, to refer to the contention made that by this process of review the proceedings would drag their interminable length through the courts, and the suggestion carried with that remark was that you would get rid of the delay incident to the procedure of that character by the other system. It is reiterated by the junior Senator from Iowa [Mr. KENYON] now in this connection, and, of course, any comments that he may make upon this subject are entitled to very special consideration; but he will certainly coincide with the statement that I make, that under the plan proposed by the bill as it now stands the corporation against whom an order is issued may follow the matter through all the courts. It may arrest the operation of that order by beginning a proceeding in the district court; the district court affirming the order of the commission or sustaining it, the corporation may take an appeal to the circuit court of appeals, and that tribunal determining against the corporation, the corporation may carry the case clear through to the Supreme Court of the United States. That is the situation there.

On the same plan, however, the man who makes the complaint is finally and absolutely concluded by the decision of the commission. So you do not hurry the matter one bit by the plan proposed. The right of review exists there, but exists only upon one side. True, the right of review exists only upon the evidence submitted against the contention made by the corporation, individual, or partnership against whom the order goes; but you do not hurry the determination a particle.

Another thing, Mr. President. Reference is continually made to the interesting debate upon the subject of broad review or narrow review in connection with the amendment to the inter-

state-commerce act in 1906. That, of course, was an historic event; but I endeavored to show to this body the other day that there is an essential difference between the making of a great schedule of rates, embracing perhaps a thousand items and between a thousand different places, and determining one single, simple proposition as to whether a certain practice is or is not unlawful; whether it is or is not unfair competition. The two do not stand in the same relation at all.

Mr. President, it will be remembered that when the interstate-commerce law was originally enacted it was generally believed by its friends that it gave to the commission the power not only to declare unreasonable rates that existed, but it gave them the additional power of prescribing rates for the future; and the commission for a long period of years assumed that power, until eventually the Supreme Court of the United States determined that they had not that power.

The right of review was not given in the original interstate-commerce act, simply because it was believed that authority was given to the Interstate Commerce Commission to prepare a long schedule of rates. Of course, Mr. President, it is altogether unreasonable to repose in a court the power to prescribe a whole schedule of rates that shall govern in the future. When you repose in the commission the power not only to denounce as unreasonable a rate which exists, but also to prescribe the whole schedule of rates that is to govern in the future, you would not give to a court a general power of review in that regard. Indeed, Mr. President, that is so expressly and so clearly an administrative power that it is questionable whether you could repose it in the court; but let us not confuse that with the question that is before us.

We are not going to give to the trade commission the general power to regulate and prescribe rules under which the business of this country shall in the future be conducted; we propose simply to give it the power to denounce as unlawful a particular practice that is pursued by that business. So the question that is now addressed to us is essentially different from that which was considered by this body at that time, and ought to be determined, as it seems to me, upon entirely different grounds. Whatever was said there, it seems to me that we are not considering at the present time the continuation of a policy which has long existed in this country; we are inaugurating an entirely new policy, to be governed by rules applicable to it and to it alone.

Mr. JOHNSON. Mr. President, I shall vote for the pending measure with a good deal of hesitation. I am aware, as all Senators are, and as the public is, of the evils which have arisen from the practices which have grown up in this country and which this bill seeks to remedy. I am doubtful, as I think all men are who look at the matter in a fair-minded way, whether we shall accomplish all that we desire to accomplish.

I realize there is much in this bill which is new, and I realize the force of the doubt which my friend from Missouri [Mr. REED] has raised in regard to the constitutionality of the delegation of great powers which Congress proposes to delegate to a commission of five men. I also realize how much uncertainty there is in the term "unfair competition," which by this act we have declared to be unlawful; but under this bill we propose to create a commission of five men, with a salary commensurate with the work which they are to perform, a salary of \$10,000 each per annum. I want that commission not to be, as my friend from Arkansas [Mr. CLARKE] said, a mere ante-chamber through which to enter the court room; I want that commission clothed with dignity and authority. I want its decrees respected.

The commission is to determine, under the rule which we have laid down that unfair competition is unlawful, whether certain devices and practices which are brought to its attention fall within that rule. I assume that they will be men capable of dealing with such questions. I have so much confidence in the present administration, or in any administration which may follow it, that I believe men of ability will be chosen. I do not want to see that commission emasculated; I do not want to see it deprived of the power and authority that belong to it.

It will enter, it seems to me, upon similar work to that which the Interstate Commerce Commission has been so well and creditably performing. That commission determines what is unjust discrimination, what practices fall within the ban of the interstate-commerce law, and so will this commission enter upon the great work, with all its complexity, of determining what practices and devices fall under the term "unfair competition." I want the commission to have that authority, and I want its decrees to be respected; therefore I am opposed to the amendment offered by the Senator from Ohio.

Mr. MYERS. Mr. President, I am even more heartily in favor of this amendment offered by the Senator from Ohio [Mr.

POMERENE] than I was in favor of his last amendment which he offered as in Committee of the Whole, which I supported in the Interstate Commerce Committee and on the floor of the Senate. I am more heartily in favor of this amendment because it provides for one more right of appeal—and a very important one, in my opinion—and that is the right of the complaining party, who is most vitally interested in anything that may arise under this bill and who, as the bill now stands, may be turned down by the commission and denied any relief whatsoever or even a hearing or a right to be heard.

The commissioners will doubtless be able and wise men, but, like all other mortals, they will be subject to error; they will be liable to err on questions of law and questions of fact, as even the best of judges or laymen are, and I think they will respect their own decrees a great deal more if they know they are subject to the free right of review by the courts. Commissioners, like other officials, are liable to become autocratic, and if there be no full right of review they may render their decisions in an arbitrary manner.

While this legislation is intended to preserve the rights of the public primarily, yet the rights of individuals are also involved, and you can not disentangle them from the rights of the public. This proposed law will be invoked by individuals to protect their rights, and you can not separate in the hearings that will arise the rights of the individuals from the rights of the public.

Individuals have certain inherent rights, amongst them the right of life, liberty, and the pursuit of happiness, and the right to make a living in a lawful way, and to my mind it is repugnant to the spirit of our institutions to have those rights passed upon, and perhaps denied, without the right of review by the courts. I do not believe it is necessary in order to conserve the rights of the public that the rights of individuals should be crushed. I think they should both be equally preserved. I believe that both may be conserved in a reasonable measure, and that both will be properly safeguarded and conserved by this amendment, which I will heartily support.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Ohio [Mr. POMERENE].

Mr. CUMMINS. Mr. President, upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the senior Senator from Oklahoma [Mr. OWEN] and therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. CULBERSON (when his name was called). Announcing my pair, I desire to say that if I were at liberty to vote on this amendment I would vote "nay."

Mr. KENYON (when Mr. LA FOLLETTE's name was called). I desire to state that the Senator from Wisconsin [Mr. LA FOLLETTE] has requested me to announce that if present he would vote "nay" on this amendment.

Mr. SMITH of Maryland (when his name was called). Having a pair with the Senator from Vermont [Mr. DILLINGHAM], who is absent, I withhold my vote.

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. TILLMAN (when his name was called). I announce my pair with the Senator from West Virginia [Mr. GOFF] and withhold my vote.

Mr. WILLIAMS (when his name was called). Reannouncing my pair with the senior Senator from Pennsylvania [Mr. PENROSE], I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and vote. I vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I desire to announce that my colleague [Mr. WARREN] is unavoidably absent from the city. He is paired with the senior Senator from Florida [Mr. FLETCHER].

Mr. CHAMBERLAIN (after having voted in the negative). In the absence of my pair I withdraw my vote.

The result was announced—yeas 27, nays 38, as follows:

YEAS—27.

Brandegee	Lea, Tenn.	Ransdell	Sutherland
Bryan	Lippitt	Reed	Thornton
Burton	Myers	Saulsbury	Walsh
Chilton	Nelson	Shively	Weeks
Clark, Wyo.	Perkins	Smith, Ga.	West
Cole	Pittman	Smoot	Williams
Gallinger	Pomerene	Sterling	

NAYS—38.

Ashurst	Crawford	Hughes	Lane
Brady	Cummins	James	Lee, Md.
Bristow	Fall	Johnson	Lewis
Camden	Gronna	Jones	McCumber
Clapp	Hitchcock	Kenyon	Martin, Va.
Clarke, Ark.	Hollis	Kern	Martine, N. J.

Newlands	Page	Smith, Ariz.	Vardaman
Norris	Shafroth	Stone	White
O'Gorman	Sheppard	Swanson	
Overman	Simmons	Thompson	

NOT VOTING—31.

Bankhead	Fletcher	Penrose	Smith, S. C.
Borah	Goff	Pinckney	Stephenson
Burleigh	Gore	Robinson	Thomas
Catron	La Follette	Root	Tillman
Chamberlain	Lodge	Sherman	Townsend
Culberson	McLean	Shields	Warren
Dillingham	Oliver	Smith, Md.	Works
du Pont	Owen	Smith, Mich.	

So Mr. POMERENE's amendment was rejected.

Mr. POMERENE. I send to the desk an amendment, to which I ask the attention of the Senator from Iowa.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 6. of the amendment proposed by the Senator from Iowa [Mr. CUMMINS], it is proposed to strike out the words "upon such hearing" and to insert before the word "if" the words "upon such hearing the commission shall make and file its findings, and."

Mr. POMERENE. Mr. President, the amendment as adopted provides for making an order against the accused if such is in accordance with the findings of the commission; but if the findings of the commission in fact should be in favor of the accused, there is no provision in the bill for any record whatsoever.

Mr. CUMMINS. Mr. President, although the Senator from Ohio refers to the text of the bill as an amendment proposed by myself, as a matter of fact it has been adopted as in Committee of the Whole. I assume that he intends to refer to the amendment which I offered, but which has been adopted by the committee.

Mr. POMERENE. I do. I refer to the amendment adopted by the committee.

Mr. CUMMINS. With that understanding, I personally see no objection to the amendment now proposed by the Senator from Ohio. I think it is quite right that the commission should enter its findings, whatever they may be.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. POMERENE. I also send to the desk another amendment to section 5, and suggest that it should be inserted before the last paragraph, just before the provisos. I will ask that it be read.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. After the words "Interstate Commerce Commission shall apply" it is proposed to insert, as a new paragraph, the following:

Persons, partnerships, or corporations filing or causing to be filed complaints before the commission shall have the right to appear and be made parties to the case and be represented before the courts by counsel, under such regulations as are now permitted in similar circumstances under the rules and practice of equity courts of the United States.

Mr. POMERENE. Mr. President, I desire to say that, as I understand, under the procedure referred to in section 5 as it has now been adopted, there is no provision under which the complainant would have the right to be heard in the event that a suit was brought in the United States district court for the purpose of modifying the order of the commission. The amendment which I have sent to the desk is modeled after the act to regulate commerce. I read from page 45:

Complainants before the Interstate Commerce Commission interested in a case shall have the right to appear and be made parties to the case and be represented before the courts by counsel, under such regulations as are now permitted in similar circumstances under the rules and practice of equity courts of the United States.

I feel that if there is to be any review whatever, be it a narrow or a broad review, in the courts above, the complainant, who perhaps was instrumental in instituting the proceeding before the commission, ought to be heard in the court above as a matter of right.

Mr. CUMMINS. Mr. President, of course I have no power to accept any amendment. I can only express my own view. If I correctly understand the amendment proposed by the Senator from Ohio, I think it is a very excellent addition to the bill, and I do not oppose it in any way at all.

Mr. NEWLANDS. I will state that I think this amendment improves the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS. Mr. President, if it is in order, I desire to offer the amendment which I sent to the desk some time ago.

The VICE PRESIDENT. The Chair stated to the Senator from Colorado that when the vote is taken on this amendment it will determine the very question that the Senator from Colo-

rado has sent to the desk. If the amendment as adopted in Committee of the Whole and subsequently amended in the Senate be not concurred in by the Senate, then the original bill as reported from the House will be in the Senate for its determination.

Now, the question is, Shall the Senate concur in the amendment made in Committee of the Whole and as subsequently amended in the Senate?

The amendment as amended was concurred in.

The VICE PRESIDENT. The question is, Shall the amendment be engrossed and the bill be read a third time?

Mr. REED. Mr. President, the bill is still open to amendment in the Senate, I presume?

The VICE PRESIDENT. The Chair is of the opinion that it is not further open to amendment.

Mr. REED. Assuming that the bill will not be further amended, I want to say just one word.

I believe this bill as it is now framed is utterly a bad bill. I intend to vote for it, however, for this special reason: The House of Representatives has passed a bill and sent it here. If we entirely defeat that bill, then there will be no legislation effected, probably, at this session of Congress, and I believe we ought to have legislation. I believe it ought to be sound legislation. I am unwilling now to defeat this bill, because if it were defeated here, then the measure would be dead. If it is passed here, it will go before the House of Representatives again.

I say now, without qualification, that I think the bill that came from the House was in every respect and particular a better bill than this, and I hope it will be insisted upon by the House of Representatives.

Mr. BRANDEGEE. Mr. President, I agree with the Senator from Missouri that the bill as framed by the Senate is utterly bad, and I shall vote against it. I wish, however, to assure the Senator from Missouri that he, being of the same opinion, can record his honest conviction and vote against the bill without the slightest danger of defeating it.

Mr. SMOOT. Mr. President, I wish also to assure the Senator from Missouri that the bill we are about to pass now will not be the law. The bill will be written in conference, and when it comes back here, in my opinion, there will be a great many provisions in it that we have never thought of. I will simply state that as far as I am concerned, the way the bill is now, I do not believe in its provisions, and I shall vote against it.

Mr. GALLINGER. Mr. President, I have already stated that I shall vote against the bill. I feel that the people of the country and the business interests of the country have not become acquainted with this measure, and I think they ought to have an opportunity to do so. For that reason I offer the motion which I send to the desk.

The VICE PRESIDENT. The Secretary will read the motion.

The Secretary read as follows:

It is moved that the further consideration of House bill 15613, to create an interstate trade commission, to define its powers and duties, and for other purposes, be postponed until the next session of Congress.

The VICE PRESIDENT. The Chair will be compelled to rule the motion out of order.

Mr. GALLINGER. Upon what ground, Mr. President?

The VICE PRESIDENT. It is not in the nature of an amendment to the bill.

Mr. GALLINGER. It deals with the bill. It disposes of the bill.

The VICE PRESIDENT. Well, the Chair will put the question.

The question being put, the motion was rejected.

Mr. GALLINGER. I am quite content, Mr. President; but that the motion was in order is apparent.

The VICE PRESIDENT. The question is, Shall the amendment be engrossed and the bill be read a third time?

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. NEWLANDS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote. If permitted to vote, I should vote "yea."

Mr. CULBERSON (when his name was called). Reannouncing my pair, I desire to say that if at liberty to vote I should vote "yea."

Mr. KENYON (when Mr. LA FOLLETTE's name was called). The senior Senator from Wisconsin [Mr. LA FOLLETTE] desires

me to announce that were he able to be present he would vote "yea."

Mr. WEEKS (when Mr. LODGE's name was called). My colleague [Mr. LODGE] is in Europe and therefore unavoidably absent. I wish to announce, however, that if he were present he would vote "nay."

Mr. GALLINGER (when Mr. PENROSE's name was called). I am requested by the senior Senator from Pennsylvania [Mr. PENROSE] to say that if he were present he would vote "nay" on the bill.

Mr. WALSH (when Mr. SHIELDS's name was called). I am requested to announce that the junior Senator from Tennessee [Mr. SHIELDS] is absent from the Senate on account of illness.

Mr. SMITH of Georgia (when his name was called). I wish to announce my pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the senior Senator from Alabama [Mr. BANKHEAD] and will vote. I vote "yea."

Mr. SMITH of Maryland (when his name was called). I transfer my pair as previously announced to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GORE] to my colleague [Mr. SMITH] and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I am informed by the pair clerk that I can not obtain a transfer. Being ignorant as to how the Senator from Pennsylvania would vote if he were present, I must withhold my vote. If he were present, and I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. GALLINGER. I wish to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH] on account of sickness in his family, and the absence of the Senator from Illinois [Mr. SHERMAN] for the same cause. I was requested to state that if the Senator from Illinois [Mr. SHERMAN] were present, he would vote "nay."

Mr. REED. I am paired with the Senator from Michigan [Mr. SMITH]. In his absence I must withhold my vote. Except for the reason I have just stated, I would vote "yea."

The result was announced—yeas 53, nays 16, as follows:

YEAS—53.

Ashurst	Hughes	Norris	Smith, Ga.
Brady	James	O'Gorman	Smith, Md.
Bristow	Johnson	Overman	Sterling
Bryan	Jones	Owen	Stone
Camden	Kenyon	Perkins	Swanson
Chilton	Kern	Pittman	Thompson
Clapp	Lane	Pomeroy	Thornton
Clarke, Ark.	Lea, Tenn.	Ransdell	Tillman
Crawford	Lee, Md.	Saulsbury	Vardaman
Cummins	Lewis	Shafroth	Walsh
Fall	Martin, Va.	Sheppard	White
Gronna	Martine, N. J.	Shively	
Hitchcock	Myers	Simmons	
Hollis	Newlands	Smith, Ariz.	

NAYS—16.

Brandegge	Colt	McLean	Sutherland
Burton	Gallinger	Nelson	Thomas
Catron	Lippitt	Page	Weeks
Clark, Wyo.	McCumber	Smoot	West

NOT VOTING—27.

Bankhead	Fletcher	Poindexter	Smith, S. C.
Borah	Goff	Reed	Stephenson
Burleigh	Gore	Robinson	Townsend
Chamberlain	La Follette	Root	Warren
Culberson	Lodge	Sherman	Williams
Dillingham	Oliver	Shields	Works
du Pont	Penrose	Smith, Mich.	

So the bill was passed.

The title was amended so as to read: "A bill to create a Federal trade commission, to define its powers and duties, and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 314) for the relief, protection, and transportation of American citizens in Europe, and for other purposes, and it was thereupon signed by the Vice President.

PROPOSED ANTITRUST LEGISLATION.

Mr. CULBERSON. I move that the Senate proceed to the consideration of House bill 15657.

Mr. GALLINGER. Let the title be read.

The VICE PRESIDENT. The bill will be read by title.

The SECRETARY. A bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas [Mr. CULBERSON].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15657) to

supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. ASHURST. I desire to give notice that to-morrow morning, immediately after the conclusion of the morning business, I shall submit some observations on the unfinished business, to the consideration of which the Senate has just proceeded.

HOOR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 18 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 6, 1914, at 11 o'clock a. m.

NOMINATION.

Executive nomination received by the Senate August 5, 1914.

COLLECTOR OF INTERNAL REVENUE.

Roscoe Irwin, of Kingston, N. Y., to be collector of internal revenue for the fourteenth district of New York, in place of Cyrus Durey, superseded.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 5, 1914.

MINISTER.

Garrett Droppers to be envoy extraordinary and minister plenipotentiary to Greece and Montenegro.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Casey B. Morgan to be a captain.

Lieut. (Junior Grade) Lemuel M. Stevens to be a lieutenant. The following-named ensigns to be lieutenants (junior grade):

John J. Saxer,
George B. Keester,
John Borland,
Charles H. Maddox, and
James R. Barry.

First Lieut. Alexander M. Watson to be a captain in the Marine Corps.

Second Lieut. Donald F. Duncan to be a first lieutenant in the Marine Corps.

Robert A. Torrance to be an assistant surgeon in the Medical Reserve Corps.

Lieut. Commander Harris Laning to be a commander.

Lieut. Wallace Berthoff to be a lieutenant commander.

Lieut. (Junior Grade) Chester H. J. Keppler to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

Robert S. Robertson, Jr.,
Raleigh C. Williams, and
Harry A. Badd.

Medical Inspector Edward R. Stitt to be a medical director.

Surg. Charles M. DeValin to be a medical inspector.

Passed Asst. Surg. Allen D. McLean to be a surgeon.

William B. Brinsmade to be an assistant surgeon in the Medical Reserve Corps.

Midshipman Stuart D. Truesdell to be an ensign.

POSTMASTERS.

IOWA.

Harry E. Chichester, New London.
Francis A. Gallagher, Walnut.
G. E. Scoles, Nashua.

KENTUCKY.

Moses F. Moore, Central City.

OKLAHOMA.

J. M. Casper, Okeene.
J. S. Latta, Fargo.

WITHDRAWAL.

Executive nomination withdrawn August 5, 1914.

Adolphus Knopf, of New York, to be first lieutenant in the Medical Reserve Corps, United States Army, which was submitted to the Senate on July 21, 1914.

He was nominated to the Senate on July 27, 1914, under the name S. Adolphus Knopf for the purpose of correcting an error in his name.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 5, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Let Thy blessing descend copiously upon us, O God our Father, that the finer elements of our being may have their sway and bring us into Thy nearer presence, that we may pursue the duties of the hour with faith and confidence that virtue brings its reward, that truth brightens the way, and every honest endeavor will bring its full fruition; assured that every righteous thought and noble deed lives to exalt mankind, for whatever helps one helps all. So may we live and hope and trust in the overruling of Thy providence for the good of Thy children; in Christ the Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

RELIEF AND PROTECTION OF AMERICAN CITIZENS IN EUROPE.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report the House joint resolution 314, for the relief, protection, and transportation of American citizens in Europe, and for other purposes, and I ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 314 (H. Rept. 1075).

Resolved, etc., That for the relief, protection, and transportation of American citizens, and for personal services, rent, and other expenses which may be incurred in the District of Columbia or elsewhere in connection with or growing out of the existing political disturbance in Europe, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500,000, to be expended at the discretion of the President: *Provided*, That American citizens to whom relief is extended or transportation is furnished hereunder shall pay to or reimburse the United States all reasonable expenses so incurred, respectively, on their account, if financially able to do so. In the execution of the provisions hereof the President is authorized to employ any officers, employees, and vessels of the United States and use any supplies of the Naval or Military Establishments, and to charter and employ any vessels that may be required.

A detailed statement of all expenditures hereunder, and under the appropriation of \$250,000 made in the joint resolution approved August 3, 1914, and of all amounts reimbursable to the United States of such expenditures shall be made to Congress on or before the beginning of its next regular session.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution.

Mr. MURDOCK. Before the gentleman comes to a vote on this, I would like to ask him if this includes the purpose of bringing Americans home?

Mr. FITZGERALD. That is one of the chief purposes of the resolution.

Mr. MURDOCK. Aid can be extended to Americans over there without that. Aid can be extended to an American marooned there who can not get home.

Mr. FITZGERALD. It can be. If he is financially able to reimburse the Government he must do so, but if he is unable to meet the expenses the purpose is to bring American citizens to this country at the expense of the Government.

Mr. MURDOCK. And it is the plan to send ships there for that purpose?

Mr. FITZGERALD. Yes; if I can get consent for the present consideration of the resolution I will make a brief statement.

Mr. MOORE. I would like to suggest, if the gentleman thinks it not incompatible with his duty, that it is highly important that some statement should be made for the benefit of those citizens who have relatives on the other side. Many of them are in a state of unrest, because they do not know how to proceed, and perhaps the gentleman by a statement can relieve that situation.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent that the resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, when the President sent his previous message to Congress asking an appropriation of \$250,000 to extend relief to and to provide transportation for American citizens in those countries in Europe involved in war,

the amount requested was based upon a mere hazard as to what sum might be required.

Since the earlier message was transmitted to Congress conferences have been held by the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, Mr. Strong, president of the Bankers' Trust Co. in New York City, and Mr. Patterson, the general counsel of the American Express Co., the two last gentlemen representing the banks and other concerns more intimately connected with the issuance of letters of credit to persons traveling abroad, and also with Mr. Miller, who is to be named as a member of the Federal Reserve Board.

As a result of the conference and from the information which has been sought and obtained as rapidly as possible, it is estimated that there are at least 50,000 American citizens now traveling in Europe. A large number of them are persons who have carefully calculated in advance the cost of their trip and the amount of money required to make the itinerary laid out in advance. Letters of credit are no longer being honored. Checks upon American banks are no longer being cashed. Many persons find themselves out of funds and unable to get any. In addition, the declaration of war between a number of the great continental powers has largely increased the cost of foodstuffs, and the cost of living all through Europe has increased at a very rapid rate. A large number of American citizens now find themselves without funds, unable to obtain money and unable to obtain transportation to this country because of the interruption of operations by the steamship companies usually carrying passengers.

As the result of conferences held within the last day or two certain banking houses in the city of New York are arranging to send to Europe at least \$5,000,000 in gold. In addition, it is proposed to send \$2,500,000, to be appropriated here, in order to provide as far as necessary funds for American citizens in foreign countries, and also to provide means for transportation for those persons to the United States.

In addition, to meet such expenses as arise from the fact that nearly all of the Governments now involved in war have requested the United States to assume charge of their embassies in the various capitals of the countries from which their representatives have been given their passports provision has been made in the pending resolution.

There has been a tremendous increase in the volume of work placed upon American representatives in foreign capitals. It will necessitate the employment of additional help and the incurring of expenses that could not have been foreseen nor anticipated.

While \$2,500,000 has been requested, the officials of the Government have no accurate information upon which to form any accurate estimate of how much will be required. It was believed, however, that the appropriation of such a sum would perhaps do more than anything else to carry assurance to American citizens abroad, as well as to relieve the anxiety of their relatives and friends in this country, that the Government would leave nothing undone to protect and to relieve those of our citizens who happen to be in the countries now unhappily afflicted by war. Moreover, Mr. Speaker, I am authorized by the President to say that it is the purpose of the administration—and he believes that in so doing the administration will have the earnest, sincere, and patriotic support of men, regardless of political beliefs—to do everything within his power, within the power of the United States, to extend relief and protection to American citizens now in those countries. [Applause.]

The necessity for immediate action upon this resolution is due to the fact that arrangements have been made to send the money to Europe to-morrow night upon the armored cruiser *Tennessee*. The importance of providing the funds speedily necessitates hasty action. Already friends and relatives of American citizens now abroad are depositing with the Secretary of State money to cover the expenses that may be incurred in removing those friends and relatives to this country. Yesterday over \$40,000 was deposited with the Secretary of State.

Mr. Speaker, it must be borne in mind that in taking this action we are not acting merely for the benefit of our citizens who happen to be abroad at this time. With a great conflict about to be waged between most of the powers of Europe, the presence of large numbers of Americans in the countries engaged in war is a constant menace to the peace and policy of this Government. It is believed to be advisable and desirable—and notice is to be issued to that effect—that American citizens should leave all of the countries which happen to be in a state of war, in hope that being absent from the theater of activities no untoward incidents may arise that will bring about any unpleasantness between this country and any of the nations unhappily engaged in the conflict. In asking for consideration of

the resolution at this time I have done so with the knowledge and with the belief that in a matter of this kind, where the welfare of the citizens of the United States and the honor and the dignity of the Government are at stake, there is no division politically, and that this House will present a united front and act in the manner designed to effect most emphatically the purposes in view. [Applause.]

I now yield to the gentleman from Kentucky [Mr. SHERLEY], who desires to have incorporated in the RECORD at this time a statement which he has from the War Department.

Mr. SHERLEY. Mr. Speaker, in connection with what the gentleman from New York has said touching arrangements about financing American citizens abroad, the War Department has issued the following memorandum:

WAR DEPARTMENT,
OFFICE OF THE ASSISTANT SECRETARY OF WAR,
August 5.
[Memorandum.]

Private individuals or firms desiring to ship gold to Europe for the relief of distress can do so by delivering the same either to Col. A. L. Smith or Maj. J. A. Logan at the U. S. S. *Tennessee* at the Brooklyn Navy Yard.

Specific directions as to the desired disposition of this gold must accompany the deposits. Receipts will be given. Custody will be taken and an earnest effort made to deliver according to directions. If delivery proves impossible, the gold will be returned.

No fund will be received in any other medium than gold. One of the before-named officers is now on the U. S. S. *Tennessee* to receive deposits. Deposits will be received up to the time of the sailing of the vessel, which is not yet definitely determined, but it will be probably late to-night (Wednesday) or to-morrow (Thursday).

It is desired that this statement of the War Department may be given full publicity in order that persons inquiring touching this matter may know how to proceed without any delay or loss of time.

Mr. DAVIS. Mr. Speaker, will the gentleman from New York yield?

Mr. FITZGERALD. Yes.

Mr. DAVIS. Mr. Speaker, the newspapers are carrying an item to the effect that at the present time American citizens in Germany are forbidden to leave that country for some reason. I believe that the gentleman has in his possession information as to whether that prohibition is likely to be a permanent or only a temporary matter. Would it not be well to include that information in the RECORD, in order to allay the feelings of people who have friends now in the German Empire?

Mr. FITZGERALD. Mr. Speaker, I am unable to make any authoritative statement in behalf of the administration regarding that matter, but I am under the impression, justified by my knowledge of the situation through other than official sources, and I believe I am warranted in saying that the action of the German Government in announcing that aliens will not be permitted to leave their domain at this time is believed to be intended to cover only the period of the mobilization of the army, the purpose evidently being to prevent the disclosure of information that might be of benefit to other nations with whom Germany is at war. After the mobilization has been completed the probabilities are that aliens in Germany will have no particular difficulty other than those which arise from the fact that there is a state of war in leaving to return to their own countries.

Mr. KINKEAD of New Jersey. Mr. Speaker, will the gentleman yield for a moment?

Mr. FITZGERALD. I yield to the gentleman from New Jersey.

Mr. KINKEAD of New Jersey. Mr. Speaker, in this connection it may be of interest to the Members of the House who, like myself, have received telegrams from some of their constituents respecting absent relatives abroad, to say that the Secretary of State before the committee this morning stated that while he was generally successful in locating Americans, the State Department had little difficulty in reaching people who live at some distance from the consulates of the United States in the affected portions of Europe. He stated further that he was prepared to say that he expected to be able to locate all of the Americans who are near enough to communicate with our representatives in the war-stricken sections of Europe. I desire to emphasize Secretary Bryan's statement in order to allay the fears of Americans whose relatives and friends happen to be located in any country now unhappily engaged in war.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MOORE. Mr. Speaker, pertaining to the statement of the gentleman from New Jersey [Mr. KINKEAD], can the gentleman from New York indicate to what extent the State Department will cooperate in sending cablegrams which a great many citizens here have found that they can not have delivered upon the other side in the regular way?

Mr. FITZGERALD. Mr. Speaker, I am informed that the State Department is doing everything possible to cooperate with

people in this country in locating their friends in Europe and is using all of the resources at its command to do so.

I was about to call attention to the fact that the verbiage of the pending resolution differs somewhat from that of the one adopted the other day, in order to broaden out the authority of the President in the expenditure of this money to cover every conceivable expense that might possibly be incurred in connection with these matters.

Mr. MOORE. Mr. Speaker, will the gentleman permit me to say that having a number of inquiries along this line, and having been to the State Department this morning, I found that the State Department was willing where advance payments were made to forward cablegrams through our representatives abroad, and thus relieve the anxiety of individuals who are trying to send cablegrams in the regular way and can not do so. I want to say that the State Department has indicated that it was willing to send cablegrams where individuals could not get a satisfactory response, an advance being made to the department.

Mr. CALDER. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. CALDER. I will say to my colleague I was out of the Chamber for a moment, and I want to know if he brought to the attention of the House whether the State Department or the Treasury Department had arranged for the deposit of funds by citizens in any part of the country.

Mr. FITZGERALD. I had already stated so, and that as rapidly as the funds are deposited and information given the department will endeavor to reach the persons to be aided.

Mr. CALDER. Where can the people deposit these funds?

Mr. FITZGERALD. At the State Department; they can be wired to the Secretary of State.

Mr. MOORE. Will the gentleman permit me again? The disbursing clerk of the Consular Bureau is accepting such money now. There were many anxious people at the department whose money was being received to-day.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman from New York yield for one moment?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. I wish to state for the information of the House, and I think it ought to be stated in connection with the notice that has been given by the gentleman from Kentucky, that the State Department does not close now at the usual hour in the afternoon, but it is open at night. I had occasion to call there last evening at 8 o'clock and I found the department open and receiving money and attending to business the same as it does during usual business hours.

Mr. FITZGERALD. Perhaps it ought to be stated that the three departments which will probably be most intimately connected with the work—the State Department, the War Department, and the Navy Department—will have some one present on duty at all hours, day and night.

The position of the President, perhaps, is best explained in a letter written by him under date of August 3, 1914. It is desirable that our own people and the rest of the world should know that the Congress is acting as one man in supporting the President in the present difficult situation. It has done so to the present; I am confident it will do so to the end. The letter, which I shall insert in the RECORD, may aid in making the situation clearer:

THE WHITE HOUSE,
Washington, August 3, 1914.

HON. JOHN J. FITZGERALD,
House of Representatives.

MY DEAR MR. FITZGERALD: We are receiving so many messages showing the extreme distress of Americans in Europe and the immediate necessity of doing something for their assistance and relief that I am going to take the liberty of sending a message to Congress proposing some such action as would be embodied in a joint resolution of the following tenor:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for the relief, protection, and transportation of American citizens, for personal services, and for other expenses which may be incurred in connection with or growing out of the existing political disturbances in Europe, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, to be expended at the discretion of the President."

I have every confidence that we could manage this in such a way that the whole sum, or practically all of it, would eventually be paid back by the persons concerned, but it seems to me imperatively necessary that the Government should for the time being have funds at its command for these uses.

I sincerely hope I am acting in a way in this matter which you approve.

Cordially and sincerely, yours,

WOODROW WILSON.

Mr. MANN. Mr. Speaker, before the resolution came up I was rather in hopes that it might pass without a word of discussion in order to show the unanimous feeling of the people, yet I can see that the discussion which has taken place so far was valuable, because it furnished information to Members of

the House and to the country. I think there ought to be no hesitation about appropriating such sums as the administration may desire for use in connection with our fellow citizens, brothers, and sisters abroad. [Applause.] And I hope that the administration will not be too careful or too cautious about the expenditure of the money, because even if they make mistakes and spend more money than is afterwards ascertained was necessary in particular cases the country will not criticize such action. [Applause.] In times like these this side of the House, all of the Republicans in the House, and I believe all of the Progressives in the House, will join in the appropriation of any sum which may be necessary in order that the administration may give such aid and protection and help as is possible to any American citizen. [Applause.]

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that I may print as part of my remarks the letter addressed to me by the President in connection with this matter.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

PARCEL POST.

The SPEAKER. For what purpose did the gentleman from Colorado rise about 30 minutes ago?

Mr. KINDEL. To get unanimous consent to address the House for one hour on the question of the parcel post.

The SPEAKER. The gentleman from Colorado asks unanimous consent to address the House for one hour.

Mr. HAMILL. On what subject?

Mr. KINDEL. On the subject of parcel post.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KINDEL. Mr. Speaker, I had first intended to address the House on a question of personal privilege, to answer my colleague [Mr. KEATING], who saw fit, in a way, to reiterate what he had said before. I am glad that the House has seen fit to grant me an hour to bring out the question of the parcel post, and that I am spared the criticism I should have to make of Mr. KEATING's conduct toward me. The question of parcel post, gentlemen, is a matter of evolution, and you will wonder why I, a manufacturer, have made it a business to become a student of this all-important question—transportation. It is because I was obliged to do so. I have here several maps, on which I shall point out many inconsistencies that have prevailed and that are still prevailing, and how the parcel post of to-day came about. In 1891 I was a manufacturer of a comforter finding ready sale, but the transportation question entered therein, so that I was obliged to pay from Denver to California points \$3 per hundredweight, while at the same time they brought like goods from New York via Denver to San Francisco for only \$1. That was the start of my trouble with freight rates, and it has finally landed me here in Congress, and perhaps next I will go to the poorhouse, if I keep on.

Mr. MURDOCK. That is usually reached by Congressmen.

Mr. KINDEL. Now, of course, in the hour that is allowed me I can only hit the high points of this all-important question. I want to call attention to this fact, and I doubt if there are any gentlemen in the House who knew that there had been any arbitrary and imaginary line, designated transcontinental line, from Duluth, Minn., to Sabine Pass, Tex., in effect, and under which all the territory east of that line was permitted to ship comforters and other goods through to California for \$1, while all the people west of that line were made to pay \$3.

I brought suit with the Interstate Commerce Commission, and, of course, I won. It cost me several years of time and many thousands of dollars to win, but I won. That same unjust discrimination has fallen to the lot of others in our section. We had a cotton mill, a paper mill, and numerous other manufacturing plants that had to give up, dismantle, and go elsewhere because of that great question of unjust transportation rates. This arbitrary line from Duluth, Minn., to Sabine Pass, Tex., is what I attacked in 1898 and succeeded in wiping out. It is no more at Duluth and Sabine Pass, but there is still an imaginary line at the Mississippi River to-day, so that you can ship from New York to Chicago or St. Louis, store the goods there, and in one month or one year thereafter you can reship to any points west of the one hundred and fifth meridian without any extra cost, the sum of the locals being the same as the through rate; but if you do that in my State or my city of Denver, we are made to pay 87 cents penalty per 100 pounds on first-class for reshipping it. I told the President recently that this discrim-

native line would have to be wiped out or there would be a revolution, and it would not be at the Mason & Dixon line, either.

What we want is equality. We propose to have a 2-cent postage stamp the same as everybody else, and not pay 4 cents when the rest of the world pays 2. In effect, however, the 2-cent postage stamp and the import duty and everything else, except the transportation rate, are satisfactory, while the express and parcel-post rates are like the freight rates—out of tune with rates in other sections by from 100 to 300 per cent.

Now, this territory in red [indicating] is called the "official classification," and by the express companies "territory 1." I will demonstrate that on the next map. You see, it is outlined here in red. That territory is given an express rate of 10 cents, the unit, while immediately across this imaginary line near St. Louis it is 19 cents the unit.

I challenge any interstate-commerce commissioner or anybody on our Interstate Commerce Committee or on the Committee on the Post Office and Post Roads, if you please, to defend that sort of discrimination. When you get to Denver it is 23 cents the unit as against 10 cents east of Chicago and St. Louis. How can you expect us to develop with the rest of the world with such a handicap? I want to state right here that the greatest statesmen of the world have ever been devoted to the expansion of commerce and cheap transportation.

Mr. BAILEY. Will the gentleman yield?

Mr. KINDEL. Yes.

Mr. BAILEY. I do not understand exactly what the gentleman means by the unit.

Mr. KINDEL. The unit is 50 miles—10 cents to carry 100 pounds over it, but from Denver westward we pay 23 cents.

Mr. BAILEY. For 50 miles?

Mr. KINDEL. Yes, sir. The moment you get past St. Louis, the favored point, it is raised from 10 cents to 19 cents per unit.

Mr. STAFFORD. Will the gentleman yield?

Mr. KINDEL. Yes.

Mr. STAFFORD. I assume the gentleman is stating the unit for the basis of the express rate and not the freight rate?

Mr. KINDEL. I am talking about the express rate now. I have shown you on the previous map how this section here, designated the official territory, is territory No. 1 by the express company, which give its patrons in said section the same relative advantage that prevails on freight shipments.

Mr. STAFFORD. Does the gentleman intend to give the view of the Interstate Commerce Commission as to the reason for that differentiation?

Mr. KINDEL. No. I do not know any reason.

Mr. STAFFORD. If the gentleman will permit, the reason as given to me by representatives of the Interstate Commerce Commission is that the density of traffic is so much greater in the first section that the express company can correspondingly carry at a less rate than in the districts where the traffic is less.

Mr. KINDEL. Yes. I agree with that, too; but it does not amount to 100 per cent or 200 per cent higher. To illustrate, I have indicated by circles here, Portland, Me.; Chicago; Cheyenne; and Sacramento. [See chart on next page.]

The express rate per hundred from Portland, Me., to Chicago is \$2.65, while from Cheyenne to Sacramento, this being exactly the same mileage, it is \$6.15, a difference of \$3.50, or 133 per cent higher. You will notice in the express rate there is a gradual rise until you strike our section, the one hundred and fifth meridian, but the discrimination is lessened between the line dividing California and Nevada. [Indicating.] And here in northwestern Texas the Interstate Commerce Commission cut out that little jag. Why? For no other reason or purpose than that El Paso, Tex., is located here, and they would not stand for it. They knew they had a first-class railroad commission in Texas, and they cut it out deliberately to give El Paso a better rate. So it is not what the traffic will bear, but rather what the chumps will stand. [Laughter.] That is what we are getting out in the one hundred and fifth meridian section.

These circular lines indicate the parcel-post zones. I will before I get through demonstrate to you that the parcel post is based on the express rates as found west of the one hundred and fifth meridian, and not, as it ought to be, on central or eastern territory.

Mr. GOOD. What is the rate from New York to San Francisco by express?

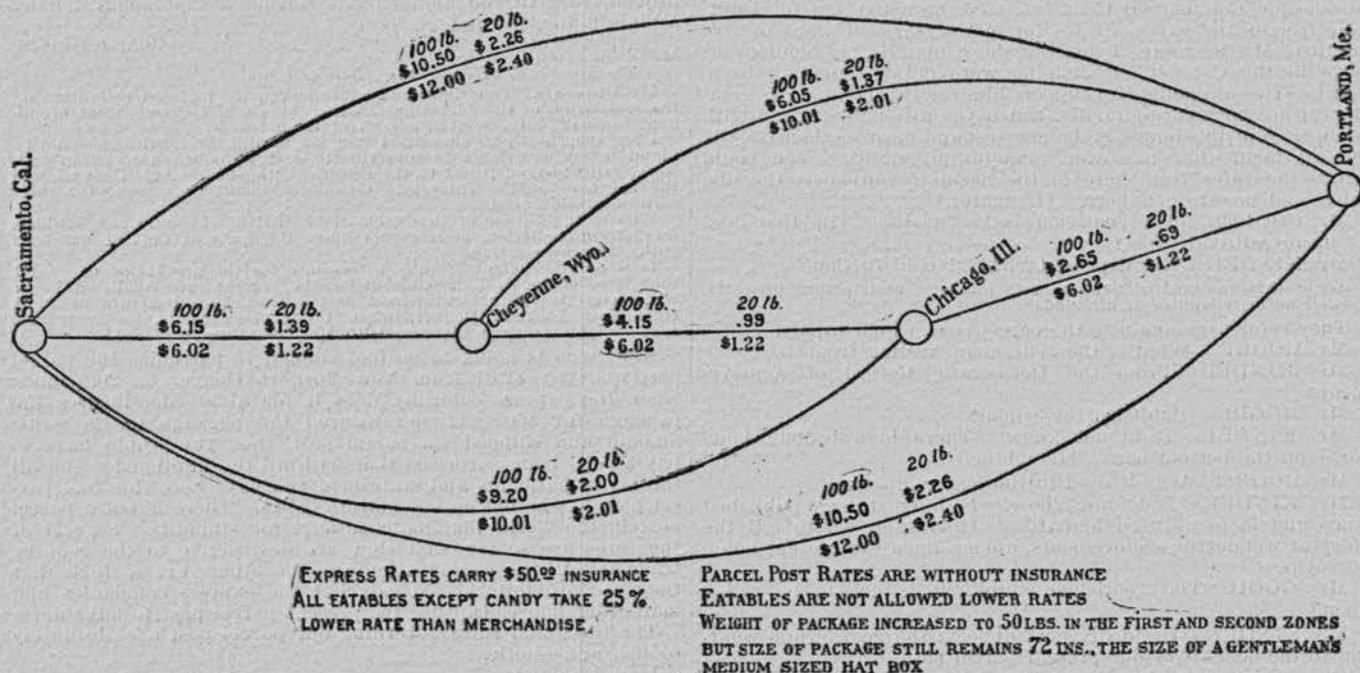
Mr. KINDEL. It is \$10.40. This is a map showing freight rates. [Indicating.] I want to show to you gentlemen these illustrations, because, as our minister once said in Denver, the Rev. Myron Reed, "An arc light is conducive to good morals." It is the exposure of these wrongs that has brought about many reforms. I have been a thorn in their side for a

good many years. But when I came here with the Democrats and tried to help, they would not let me get in so that I could help them. These rates are not true to-day. They have been changed since, from New York to San Francisco, from \$3 to \$3.70 per hundredweight, first class. It was \$3 from New York to San Francisco, but if you stop freight from New York at Denver it was and is \$2.48; and if you stop at Grand Junction, in the western part of our State, which my colleague, [Mr. TAYLOR] represents, it is \$3.88. Tell me why it should cost 88 cents more to drop it off at Grand Junction than to

carry it through to San Francisco. I say that Colorado is the apex of transportation rates. We use that word "apex" because we are at the highest point. Colorado is the highest point in discriminative freight rates. At Trinidad, in Mr. KEATING's district, they are paying 96 cents more than they do to Omaha from New York via Galveston, though Omaha is several hundred miles longer haul.

When they ride east in a coach they pay \$2 plus, a penalty for getting on a passenger train and riding east, and yet they would accuse me of being a hired man of an express company.

KINDLE'S EXHIBIT OF
PARCEL POST AND EXPRESS RATES
PASSED ON AND APPROVED BY INTERSTATE COMMERCE COMMISSION
100 and 20 lb. EXPRESS RATES
100 and 20 lb. PARCEL POST RATES



HOW LONG WILL THE AMERICAN PEOPLE BE FOOLED BY THE PRESENT PARCEL POST "GOLD BRICK"?
HAS ANYBODY HEARD PROTESTS FROM EXPRESS CO'S. AND MAIL ORDER HOUSES?

Express rates appear above the line, parcel post below the line.

If they can not get a better champion than Mr. KEATING to help me right these wrongs they deserve no better than they are getting. [Applause.]

Now, these charts were prepared for the purpose of reducing them in order to get slides so that I can have lantern-slide talks with the people of Colorado; and I also intended to go to Kansas in the interest of Senator BRISTOW, but will be denied this pleasure because the Senator was defeated for the nomination yesterday. I want to say of Senator BRISTOW that he and Senator BRYAN, of Florida, are the two best posted men on the question of parcel post in either House. I have not seen the like of them anywhere in discussing this subject.

You may think that the parcel post is an insignificant thing, yet if you stop to think of it you will realize that the 2-cent stamp has given you the biggest business on earth—the \$300,000,000 United States post office. It was supposed the parcel post was established for the purpose of making living cheaper, but I defy anyone to show me where you can ship 5 pounds and insure it for \$50 beyond a 150-mile circle in competition with express east of the Rocky Mountains.

As to Mr. LEWIS, who is the alleged authority on parcel post, I have great sympathy for his misguided efforts. He has done much to bring this question before the public, but he has been shooting over your heads. There is not a graduate or comparative rate that you can check up in Mr. LEWIS's exposition of parcel post. If any one of you has attempted to check it up, you will have noticed how he makes up his tariff on half a cent a hundred miles and stops at 10 zones. And why? Because his rates were going up like a rocket and coming down like a stick. [Laughter.] At those rates he can not get the

business without committing petty larceny on an unsophisticated public.

Now, I have talked with many people, with the President and with the members of the Interstate Commerce Commission, and with anyone who has shown a disposition to discuss the matter, and asked them to show me where I am wrong. I want to retire from this job of trying to educate people concerning a matter that seems so plain to me and which is apparently not of sufficient interest for others to take up. I may perhaps lack elegance in presenting the facts in this desultory fashion, but what I say will all go into the RECORD, and I hope people will read it and think it over.

The one thing that made me a Congressman is not that I am an avowed politician; I do not care for that. I voted for Teddy Roosevelt when he promised to strengthen the interstate-commerce act. I have been a Populist because of the railroad plank in their platform. I have been a Democrat, and would be glad to fight with the Democrats, but they turned it down at every turn and put a man like Mr. Burleson at the head of the Post Office Department, a man who does not know A from B when it comes to rate making, and admits it, and he rejects advice. What is the good of it? [Laughter and applause.] The one thing that brought me 5,000 more votes than anybody else received in my district was this plank in the State Democratic platform:

KINDLE'S PLANK IN DEMOCRATIC PLATFORM.

We favor the opening of the Galveston gateway and equalizing of freight, passenger, express, and Pullman rates, and that all rates be made "between" instead of "to and from" in order to facilitate the development of our inexhaustible resources and to materially reduce the high cost of living.

That is what got me 5,000 more votes than the President, the governor, and other State officers received running on the same ticket with me. It was not on account of my good looks, or my talk, or anything else that I may be possessed of. [Laughter.] The one particular paragraph that riled me in this recently distributed little brochure that I hold in my hand—Mr. Wilson's photograph on the front page, entitled "Record of Achievement"—is the sixteenth paragraph, which says:

The development of the parcel-post system to a high state of perfection, which has resulted in the reduction of rates and the extension of the limit and size of packages.

The package is still 72 inches, but the weight has been increased from 11 pounds to 50 pounds in the second zone, and 20 pounds all over the United States. It proceeds:

So that the life of the city man as well as the farmer has been made easier and cheaper. Another result has been that the express companies have reduced rates all along the line.

That was done before you had a parcel post. We, the Trans-Mississippi Commercial Congress, have been fighting for equitable freight and express rates for many years. I want to give credit to Mr. Secretary Lane, the ablest man, in my opinion, we have in the Cabinet. I wish he were not a Canadian born, because I would delight to support him for President. His creation of present express tariffs, which you all ought to read with profit in your idle hours, is the greatest and most mathematically perfect tariff that has ever come to my notice. You could figure the rates from here to the moon if you knew the distance and how to get there. [Laughter.]

Mr. COOPER. The gentleman says "tariffs." By that does he mean railroad rates?

Mr. KINDEL. No; express tariffs. I read further:

All of this has created new markets for farm and factory products, as well as merchandise of all kinds.

They refer back again to the parcel post, which I deny.

Mr. MOORE. What is the gentleman reading from?

Mr. KINDEL. From the Democratic Record of Achievements.

Mr. MOORE. Published by whom?

Mr. KINDEL. I do not know. There is a bedbug label No. 7 on the bottom here. [Laughter.]

Mr. MOORE. Was it used in the last campaign?

Mr. KINDEL. I do not know. I think it was published since and is to be used hereafter. It is supposed to tell the story of wonderful achievements, among them the present botch parcel post.

Mr. GOOD. The gentleman thinks it is not to be relied upon?

Mr. KINDEL. Decidedly not; at least that paragraph relating to the benefits of our present parcel post.

One of the surprising things that I encountered recently was a letter, accompanied by a resolution, from the Denver Clearing House Association, of Denver, Colo., in which they say:

DENVER CLEARING HOUSE ASSOCIATION,
Denver, Colo., June 2, 1914.

Hon. GEORGE J. KINDEL,
House of Representatives, Washington, D. C.

DEAR SIR: The inclosed resolution, passed by the Denver Clearing House Association, speaks for itself, and we trust that it may appeal to you. The members of the association feel that the matter referred to is entitled to the most earnest consideration of those to whom the memorial is addressed. Copies of the resolution have been sent to the President of the United States, the Postmaster General, the members of the Interstate Commerce Commission, and the Senators and Representatives from the State of Colorado.

Respectfully, yours,

E. S. IRISH, Secretary.

Whereas the Postmaster General is empowered by law, at his discretion, to determine the weight limit of parcels which may be transmitted by mail, to make regulations thereto, and to fix and change the rates therefor; and

Whereas the parcel post, although useful and desirable within its present limits, is, by reason of numerous limitations, unfitted effectively to meet all the demands of commerce for quick transportation; and

Whereas the express service fully provides for these needs in a highly efficient manner and at rates fairly proportioned to the cost of rendering the service; and

Whereas the extension of the parcel-post weight limit to 100 pounds would, as we believe, so deplete the volume of traffic available to the express companies as to make their operation profitless and force their retirement; and

Whereas it is the opinion of the Retail Association of the Denver Chamber of Commerce and of numerous other commercial organizations that the destruction of the express service would be a step backward and highly detrimental to the business interests of the country: Therefore be it

Resolved, That in the opinion of the Denver Clearing House Association no social or economic benefit will result by substituting the parcel post for the express service beyond the limits now established, but that, on the contrary, serious harm to the country's traffic facilities will ensue with a probable loss resulting from the parcel-post operation to be borne by the Public Treasury; and be it further

Resolved, That the influence of the Denver Clearing House Association be exerted to oppose any further extension of the parcel post at the present time, and that the reasons for such opposition be stated in full by a proper memorial addressed to the Postmaster General of the

United States, to the Interstate Commerce Commission, and to the representatives of Colorado in both House of Congress at Washington.

FIRST NATIONAL BANK.
COLORADO NATIONAL BANK.
DENVER NATIONAL BANK.
UNITED STATES NATIONAL BANK.
HAMILTON NATIONAL BANK.
FEDERAL NATIONAL BANK.

They want me to desist from my attempts to improve and expand the parcel post. My aim and theory is to increase the parcel post to at least 50 pounds and to make the rates competitive with express rates, and not what they are to-day, from 100 to 200 per cent higher. [Applause.] I contend that the Government to-day is guilty of petty larceny every time it takes a package from anybody and charges him more than he would be charged next door by the express company [Applause.]

Now I will show you some data that I have here. I think it would be well to read my letter in answer to the bankers' protest, to give you an idea how I routed that opposition by a plain statement of facts:

JUNE 6, 1914.

Mr. E. S. IRISH,
The Denver Clearing House, Denver, Colo.

MY DEAR SIR: Your letter dated June 2, with inclosed resolution on the restriction of the parcel post, signed by six of Denver's most prominent bankers, duly received and carefully noted.

I am surprised and chagrined that six intelligent gentlemen could be found in my own town to subscribe to such a foolish proposition and, worse still, to send it out to the President, the Postmaster General, and the members of the Interstate Commerce Commission, etc., for their earnest consideration.

Who is the author of that memorial? Briefly, I would say, without fear of contradiction, he does not know the facts or that he has been guilty of perverberation.

Is it not the height of folly to resolve for the prevention of an act that is so obviously impossible under the present rate conditions? Of what avail is the present parcel post with a 20-pound rate of \$2.01 from New York to Denver, when the express companies carry the same weight the same distance with \$50 insurance for \$1.30?

Now, who is going to be fool enough to patronize the parcel post and pay \$2.01 from New York to Denver on 20 pounds when the express company does it for \$1.30, and insures the package for \$50? If you insured the package to the same amount and shipped via parcel post, then you would have to pay \$2.11. I am surprised that with all the intelligence and all the mathematicians and statesmen you have here this fool parcel post has gotten on our statute books. There is not a parcel post in the world that matches ours for stupidity. Several of the rates are so low that they are destructive to the country trade within the second zone, and the others are so high that they are prohibitory. Nobody but the express companies and mail-order houses can use the present parcel post to advantage.

The rates and rules governing our parcel post are absolutely foolish and idiotic.

I read further:

What would be the object in raising the weight limit to 100 pounds, which would make the parcel-post rate \$10.01 New York to Denver as against the express rate of \$5.70 under existing rates? Would any sane man ship by parcel post under such conditions, and do you think that the express companies would be forced into retirement? I hardly think so. I would ask also if any of the signers of the memorial can reconcile the comparative eastern and western rates of the express companies whom they seem to defend and who charge us 23 cents per unit as against the price charged the people of the East, which is 10 cents per unit?

As for the service of the express companies, are you aware of the fact that 20,000,000 or more of people in these United States are being served by the parcel post who can not be served by the express companies? Is it not then the duty of every patriotic American citizen to use his influence to have our parcel-post rates fixed on a sane basis and the weight extended to a 100 or 110 pound limit as the Europeans have it rather than to waste good ink and paper on resolutions to restrict the people's carrier to its present wholly inadequate limits?

I inclose marked copies of my speech on express and parcel-post rates for your further information.

Yours, very truly,

GEO. J. KINDEL.

These busy and well-meaning men of my city do not know, that is all. Some express company representative has gone to them and said, "We want this resolution," and these men foolishly, as many do, have signed it and forwarded it to me; but fortunately for the masses of the people it did not find a warm reception with me.

Our Government is paying more to the railroads for hauling than the express companies charge, including pickup and delivery. I have been expecting the gentleman from Tennessee [Mr. Moon] and his committee to devise some rule of pay for the railroads that would have some effect and cheapen our parcel post, but they tell me the newly proposed rates will not have any effect at all on the parcel post; that it is simply a matter of improving mail and not of parcel post.

The figures that I enumerate here are figures given by the authorities, by the people in power. These are published by the Post Office and by the express companies.

On following page is Table No. 2 of 5, 10, 20, 50, and 100 pound rates. I have presumed to increase the weights up to 100 pounds.

Table No. 2.

	From New York to—								
	Newark, N. J.	Philadelphia, Pa.	Boston, Mass.	Pittsburgh, Pa.	Grand Rap- ids, Mich.	Des Moines, Iowa.	Denver, Colo.	Salt Lake City, Utah.	San Fran- cisco, Cal.
	Zones.								
	1	2	3	4	5	6	7	8	8
5 pounds.									
Parcel post.....	\$0.09	\$0.09	\$0.14	\$0.23	\$0.32	\$0.41	\$0.51	\$0.60	\$0.60
Post-office railroad cost.....	.425	.675	.105	.18	.28	.28	.48	.58	.73
Express rates.....	.23	.23	.24	.26	.30	.35	.47	.58	.71
Kindel proposed rate.....	.13	.15	.18	.23	.27	.29	.38	.47	.57
10 pounds.									
Parcel post.....	.14	.14	.24	.43	.62	.81	1.01	1.20	1.20
Post-office railroad cost.....	.055	.105	.18	.33	.53	.73	.93	1.13	1.46
Express rates.....	.25	.27	.28	.33	.41	.51	.75	.95	1.22
Kindel proposed rate.....	.18	.20	.25	.30	.36	.43	.56	.76	.97
15 pounds.									
Parcel post.....	.24	.24	.44	.83	1.22	1.61	2.01	2.40	2.40
Post-office railroad cost.....	.08	.18	.33	.63	1.03	1.43	1.83	2.23	2.86
Express rates.....	.31	.34	.36	.46	.62	.82	1.30	1.71	2.24
Kindel proposed rate.....	.25	.30	.35	.42	.54	.69	1.05	1.35	1.76
20 pounds.									
Parcel post.....	.54	.54	1.04	2.03	3.02	4.01	5.01	6.00	6.00
Post-office railroad cost.....	.16	.35	.75	1.53	2.52	3.53	4.53	5.53	7.03
Express rates.....	.47	.65	.60	.85	1.35	1.85	2.95	3.98	5.30
Kindel proposed rate.....	.50	.63	.70	.79	1.16	1.54	2.36	3.14	4.13
25 pounds.									
Parcel post.....	1.04	1.04	2.04	4.03	6.02	8.01	10.01	12.00	12.00
Post-office railroad cost.....	.38	.78	1.53	3.03	5.03	7.03	9.03	11.03	14.16
Express rates.....	.75	1.10	1.00	1.50	2.30	3.30	5.70	7.75	10.40
Kindel proposed rate.....	.75	1.00	1.05	1.42	2.03	2.77	4.57	5.59	8.10

The cost of transporting a 20-pound parcel-post package from New York to Newark, N. J., is 24 cents. The parcel post has an advantage there. For distances 50 miles and 150 miles the parcel post beats the express company; but here in this table, No. 2, is shown what the Government pays the railroads for hauling. In the zone from New York to Boston the parcel-post rate on 20 pounds is 44 cents. The Post Office officials say they pay the railroads 33 cents; but the express company picks up the package, insures it for \$50, and delivers it at the other end, and does it all for 36 cents. Is it not petty larceny to accept 44 cents for the service, when a man can go next door and get it done for 36 cents? And as you go down the line it gets more violent.

Mr. SMITH of Minnesota. It gets to be grand larceny as you go down the line?

Mr. KINDEL. Yes.

In the Saturday Evening Post of January 31, 1914, appeared an advertisement of the express company, showing new and old express rates. Instead of reproducing the old express rates I have substituted the parcel-post rates for comparison and the enlightenment of the public, which is being fluked by both the express company and the United States post office.

The new express and parcel-post rates, effective February 1, 1914, were both in conformity with the Interstate Commerce Commission. When was or is the Interstate Commerce Commission right? When they ordered in the present express rates or when they sanctioned and approved of present parcel-post rates?

The following tables are illustrative of some of the differences between the express and parcel-post rates as now in effect.

Table No. 3.

	5 pounds.		10 pounds.		20 pounds.	
	Ex- press.	Parcel post.	Ex- press.	Parcel post.	Ex- press.	Parcel post.
Between New York and—						
Chicago.....	\$0.31	\$0.32	\$0.42	\$0.62	\$0.64	\$1.22
St. Louis.....	.32	.32	.44	.62	.68	1.22
New Orleans.....	.41	.41	.63	.81	1.06	1.61
Dallas.....	.45	.41	.70	.81	1.20	1.61
Denver.....	.47	.61	.75	1.01	1.30	2.01
San Francisco.....	.71	.60	1.22	1.20	2.24	2.40
Between Philadelphia and—						
Portland, Me.....	.27	.23	.34	.43	.48	.83
Buffalo.....	.27	.14	.34	.24	.48	.44
Cincinnati.....	.29	.23	.38	.43	.56	.83

Table No. 3—Continued.

	5 pounds.		10 pounds.		20 pounds.	
	Ex- press.	Parcel post.	Ex- press.	Parcel post.	Ex- press.	Parcel post.
Between Philadelphia and—						
Milwaukee.....	\$0.31	\$0.32	\$0.43	\$0.62	\$0.66	\$1.22
Mobile.....	.38	.32	.55	.62	.91	1.22
Seattle.....	.67	.60	1.14	1.20	2.09	2.40
Between Atlanta and—						
Jacksonville.....	.28	.14	.35	.24	.51	.44
Memphis.....	.30	.13	.40	.43	.60	.83
Cincinnati.....	.31	.23	.41	.43	.63	.83
Richmond.....	.31	.23	.43	.43	.66	.83
Baltimore.....	.33	.23	.46	.43	.72	.83
New York.....	.34	.22	.48	.62	.77	1.22
Between St. Louis and—						
Birmingham.....	.30	.23	.39	.43	.59	.83
Detroit.....	.28	.23	.36	.43	.52	.83
St. Paul.....	.30	.23	.41	.43	.62	.83
Philadelphia.....	.32	.22	.43	.62	.67	1.22
San Antonio.....	.40	.22	.59	.62	.99	1.22
Los Angeles.....	.62	.51	1.05	1.01	1.90	2.01
Between Chicago and—						
Boston.....	.31	.22	.43	.62	.65	1.22
Oklahoma City.....	.36	.22	.52	.62	.85	1.22
Jacksonville.....	.36	.22	.52	.62	.85	1.22
Galveston.....	.39	.22	.59	.62	.98	1.22
Salt Lake City.....	.52	.41	.84	.81	1.48	1.61
Portland, Ore.....	.63	.51	1.06	1.01	1.93	2.01
Between San Francisco and—						
Houston.....	.63	.51	1.06	1.01	1.93	2.01
Minneapolis.....	.63	.51	1.07	1.01	1.94	2.01
Chicago.....	.65	.60	1.11	1.20	2.02	2.40
Cleveland.....	.67	.60	1.14	1.20	2.09	2.40
Washington.....	.70	.60	1.21	1.20	2.22	2.40
Boston.....	.71	.60	1.23	1.20	2.26	2.40

Express rates on food products are 25 per cent less.

No reduction by parcel post on same.

Express rates carry \$50 insurance.

Parcel post is 10 cents extra for \$50 insurance.

Mr. Ripley, president of the Atchison, Topeka and Santa Fe Railway, in the Saturday Evening Post of July 18 last said:

The treatment of the railroads in connection with the parcel post is a blot on democratic government, which can not be and is not justified by any honest student of the situation.

I challenge that statement, and in answer thereto publish the following comparative table of rates. The Kindel rates are based on express rates, and on paying the railroad companies 50 per cent higher for haulage than received by the railroads

from the express companies, and then adding the present alleged cost of pick-up and delivery by the post office.

Can and will Mr. Ripley explain why the rate charged to the post office on a hundred pounds from New York to Denver should be \$9.03, when the railroads are performing this service for the express companies for \$2.85?

Had Mr. Ripley stated the facts as they exist, he would have been obliged to admit that our entire transportation system—freight, express, and parcel post—is as erratic and inharmonious as a grandmother's crazy quilt.

In so far as the parcel-post rates to the second zone are concerned, I admit Mr. Ripley is correct, and beyond the second zone it is the public that is fleeced by the Post Office, while the Government in turn is made to pay a penalty for doing parcel-post business in the last zone. For proof of my statement I refer to table No. 2.

Mr. MOORE. Take your rate from New York to Boston; the parcel-post rate is 44 cents.

Mr. KINDEL. Yes; on 20 pounds.

Mr. MOORE. But the Government pays 33 cents for railroad carriage.

Mr. KINDEL. That is what they claim.

Mr. MOORE. That makes the Government cost 77 cents.

Mr. KINDEL. No; that is not the way of it. Forty-four cents is what the Government receives from the sender of the package, and the Government, according to the statement of the post-office people, pays the railroads 33 cents out of the 44 cents, leaving a difference of 11 cents to pay for handling and delivering.

Mr. MOORE. But the present rate from New York to Boston on a package of 20 pounds by express would be 36 cents, which is 8 cents less than the parcel-post rate.

Mr. KINDEL. Yes.

Mr. LOBECK. The difference between 44 cents and 33 cents is used in paying the employees who do the work, and so on.

Mr. KINDEL. Yes. They are trying to figure it out that way. They have had four men figuring on parcel post, and not one of them knows exactly what the railroad pay is.

Mr. MOORE. Does the Government employ more men to perform the service than the express companies employ?

Mr. KINDEL. I do not know.

Mr. MOORE. The proportion of pay to employees of the express companies would be less than by the Government.

Mr. KINDEL. I have a table showing statistics from the express companies that I have not got on the map here, whereby I take the express rates—

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?

Mr. KINDEL. Yes.

Mr. DONOVAN. Will you tell us how you find what the railroads collect—where you get your figures as to what the Government pays the railroads?

Mr. KINDEL. That was furnished me by the Post Office Department.

Mr. DONOVAN. Is there any printed statement showing that?

Mr. KINDEL. Yes.

Mr. DONOVAN. In their regular report?

Mr. KINDEL. Yes; and contained in my speech of January 16.

Mr. DONOVAN. Then you mean to say that the railroads get a higher rate out of the Government for transporting the parcel-post matter than the express companies pay?

Mr. KINDEL. Yes.

Mr. MOORE. That would be true as to Pittsburgh, would it not?

Mr. KINDEL. On 100 pounds from New York to Denver the express companies haul it for \$5.70. The parcel post charges \$10.01, or would if that same table were carried out logically. They do not carry that weight. They carry the 20-pound packages only, or are supposed to, but the payment by the Government to the railroads is \$9.03, while the express companies perform the whole service and insure for \$50, and do it for \$5.70. That is what I am complaining about. You can not convince any sane person about making the cost of living cheaper by the parcel post at present exorbitant rates. The two will not dovetail together. [Applause.]

Mr. MOORE. Will the gentleman permit one more question?

Mr. KINDEL. Yes.

Mr. MOORE. Take it from New York to Pittsburgh.

Mr. KINDEL. Yes.

Mr. MOORE. The payment by the Government to the railroad is 63 cents on a 20-pound package, for which the post office charges 83 cents.

Mr. KINDEL. Yes.

Mr. MOORE. And the express rate without regard to the railroad pay is 46 cents.

Mr. KINDEL. Yes.

Mr. MOORE. Therefore it would be cheaper to send from New York to Pittsburgh by express than by parcel post.

Mr. KINDEL. Yes; by half. In other words, the parcel-post rate in that instance, if insured to the same amount, would be more than 100 per cent higher than express. The relation would be then 93 cents parcel post and 46 cents express; and, again, if the parcel was composed of some eatable—prunes, milk, and so forth—the express rate would be cut automatically 25 per cent, thus making the express package cost 35 cents instead of the parcel-post rate of 83 cents.

Mr. DONOVAN. One more interruption.

Mr. KINDEL. Go ahead; but do not waste time.

Mr. DONOVAN. How can we expect the Government to give a lower rate when the railroads get so much out of the total? For instance, the Government pays the railroads \$9.03. The express carries the same weight in the same package for \$5.70. Is that right?

Mr. KINDEL. Yes.

Mr. DONOVAN. How could the Government carry it for any less?

Mr. KINDEL. I will show the gentleman. I will give you a better illustration, where the figures will square. The rate on 100 pounds from Baltimore or St. Paul to New Orleans is \$4 express, and it is \$6.02 and \$3.01, respectively, by parcel post for the same package. Now, of that \$4 the express companies pay approximately one-half to the railroad to carry it. If I were the Government I would say: "Mr. Railroad, in order that you shall not have any complaint and since you did not dare to attack the rates that were fixed for you by the Interstate Commerce Commission, and you knew you had no standing in court if you challenged the prescribed rates, instead of giving you \$2 I will pay you 50 per cent more; I will pay you \$3, and add the Burleson rate that he figures for the delivery of the package, namely, 30 cents." That would then produce a parcel-post rate of \$3.30 instead of \$6.02 and \$3.01, respectively. I would make the railroads happy because I was paying them 50 per cent more than express companies are now paying them. Now, you can not get away from that. It is simple and plain and a primary-school lad can understand it. I like to talk to the high-school boys. They all understand it, because they are apt mathematicians, and I am sure the next generation will have a parcel post if this one does not. [Laughter and applause.]

Mr. MOORE. Will the gentleman yield again?

Mr. KINDEL. Yes.

Mr. MOORE. Why is it possible for the express companies to make that low rate while the Government seems to pay so much more for railroad service?

Mr. KINDEL. Because they were forced to by our Interstate Commerce Commission. It used to be \$8.50 per hundredweight, New York to Denver, but I have reduced it in two efforts to \$5.70 per hundredweight.

Mr. MOORE. That is a remarkable difference. Why is preference given to the express companies at the expense of the Government in railroad rates?

Mr. KINDEL. It is rank discrimination, of course. Now, here is a case of 100-pound rate, New York to Boston, where it is \$1 by express and \$2.04 by parcel post.

Mr. MOORE. Why is that?

Mr. KINDEL. That is what I want to know. It is said that we are all statesmen here, but I think this proves we are all false alarms. [Laughter.] It is the fault of the Interstate Commerce Commission, which was created by Congress. The commission says to the express companies, "You must put in that rate," and then it says to Mr. Burleson, our Postmaster General, "You can put in these rates." The rates could not be effective but for the Interstate Commerce Commission, as the law provides that all rates must be passed on by the commission, for which we pay \$2,000,000 a year.

Mr. MOORE. If there is a special privilege to express companies it is not due to the law-making body but to the Interstate Commerce Commission.

Mr. KINDEL. Yes; directly and indirectly it is due, in a measure, to this law-making body, which is responsible for the Interstate Commerce Commission.

Mr. MOORE. What is the gentleman's answer?

Mr. KINDEL. Most assuredly, it is the fault of the law-making body that stands for this sort of a thing.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. KINDEL. Yes.

Mr. TAYLOR of Colorado. Has the gentleman any information that he can give the House as to what amount the railroads pay the express companies when they charge the Government so much higher than they charge the express company. I mean, what do the express companies pay the railroad company?

Mr. KINDEL. Yes; that is well known; the express companies pay the railroad company, on the average, 50 per cent of the rate or total receipts.

Mr. FOWLER. Is it not 47½ per cent?

Mr. KINDEL. Yes; some 55 per cent, and some less than 50 per cent, but the average is about 50 per cent.

Mr. FOWLER. They retain 52½ per cent and pay the railroad company 47½ per cent.

Mr. TAYLOR of Colorado. Take the express rate. New York to Denver, on 50 pounds—\$2.95. The railroad company gets one-half of that, and yet they charge the Government \$4.53 for the same package and the same weight. Whose fault is that?

Mr. KINDEL. It is the fault of the Interstate Commerce Commission and of Congress, that stands for the Interstate Commerce Commission.

Mr. TAYLOR of Colorado. And the gentleman thinks that Congress ought to do something in relation to the orders of the Interstate Commerce Commission?

Mr. KINDEL. Yes; Congress ought to have a committee to investigate it and do what any business concern would do—discharge or impeach them for inefficiency or dereliction of duty.

Mr. DONOVAN. Mr. Speaker, the gentleman from Colorado shows by his map that the parcel-post rate on 100 pounds from New York to Denver would be \$10.01, while the charge of the railroad for carrying is \$9.03; thus the Government only gets 98 cents out of the transaction; that is in next to the last column. Of course you can not expect the Government to lose money, and the move should be to force the railroad to give the Government a proper rate.

Mr. KINDEL. I am not complaining about the rate so much as I am complaining that the Government should be a party

to a scheme of taking money under a make-believe from the unsophisticated people.

Mr. DONOVAN. Let me make myself understood.

Mr. KINDEL. I think I understand the gentleman.

Mr. DONOVAN. You can not expect the Government to lose money. If the railroads collect \$9.03, you can not expect the Government to transport that merchandise for less than \$9.03. The trouble is with the railroads.

Mr. KINDEL. That sort of argument, in the face of the express company rate of \$5.70, is so silly that I do not want to talk about it.

Mr. PLATT. Let me ask the gentleman, Does not the \$9.03 include the transportation of all classes of mail?

Mr. KINDEL. Yes; it is the cost to the post office.

Mr. PLATT. It is not fourth-class matter, but it is also first and second class.

Mr. KINDEL. It is what they claim they pay the railroads, and it includes the parcel post.

Mr. PLATT. I think the gentleman will find that it covers all classes, and that is where the difference comes in.

Mr. HULINGS. Will the gentleman yield?

Mr. KINDEL. Certainly.

Mr. HULINGS. If I understand, these rates of the parcel post have been established so as to protect the express company business?

Mr. KINDEL. Apparently. The express companies do the long-haul business, and they unload the short-haul and unprofitable business on the post office. If the express companies had a champion on the floor of this House, he could not devise any better tariff than that in effect to-day. [Applause.] It is an insult to the intelligence of the House and the people generally. Some gentleman asked me what is the authority for present mail pay. I have a table here—No. 4—which I will put in the Record.

TABLE 4.—Statement showing the postage at the proposed rates and the estimated cost of handling parcels (Nov. 20, 1913).

[This table of parcel-post rates and cost of service to the Government was issued by the Post Office Department.]

Weight.	Zones.							
	1	2	3	4	5	6	7	8
	50 miles.	150 miles.	300 miles.	600 miles.	1,000 miles.	1,400 miles.	1,800 miles.	1,800 miles and over.
1 pound.....	\$0.05 .0325	\$0.05 .0375	\$0.06 .045	\$0.07 .06	\$0.08 .08	\$0.09 .10	\$0.11 .12	\$0.12 .14
2 pounds.....	.06 .035	.06 .043	.08 .06	.11 .09	.14 .13	.17 .17	.21 .21	.24 .25
3 pounds.....	.07 .0375	.07 .0525	.10 .075	.15 .12	.20 .18	.25 .24	.31 .30	.36 .36
4 pounds.....	.08 .04	.08 .06	.12 .09	.19 .15	.26 .23	.33 .31	.41 .39	.48 .47
5 pounds.....	.09 .0425	.09 .0675	.14 .105	.23 .18	.32 .28	.41 .38	.51 .48	.60 .58
6 pounds.....	.10 .045	.10 .075	.16 .12	.27 .21	.38 .33	.49 .45	.61 .57	.72 .69
7 pounds.....	.11 .0475	.11 .0825	.18 .135	.31 .24	.44 .38	.57 .52	.71 .66	.84 .80
8 pounds.....	.12 .05	.12 .09	.20 .15	.35 .27	.50 .43	.65 .59	.81 .75	.96 .91
9 pounds.....	.13 .0525	.13 .0975	.22 .165	.39 .30	.56 .48	.73 .66	.91 .84	1.08 1.02
10 pounds.....	.14 .055	.14 .105	.24 .18	.43 .33	.62 .53	.81 .73	1.01 .93	1.20 1.13
11 pounds.....	.15 .0575	.15 .1125	.26 .195	.47 .36	.68 .58	.89 .80	1.11 1.02	1.32 1.24
12 pounds.....	.16 .06	.16 .12	.28 .21	.51 .39	.74 .63	.97 .87	1.21 1.11	1.44 1.35
13 pounds.....	.17 .0625	.17 .1275	.30 .225	.55 .42	.80 .68	1.05 .94	1.31 1.20	1.56 1.46
14 pounds.....	.18 .065	.18 .135	.32 .24	.59 .45	.86 .73	1.13 1.01	1.41 1.29	1.68 1.57
15 pounds.....	.19 .0675	.19 .1425	.34 .255	.63 .48	.92 .78	1.21 1.08	1.51 1.38	1.80 1.68
16 pounds.....	.20 .07	.20 .15	.36 .27	.67 .51	.98 .83	1.29 1.15	1.61 1.47	1.92 1.79
17 pounds.....	.21 .0725	.21 .1575	.38 .285	.71 .54	1.04 .88	1.37 1.22	1.71 1.56	2.04 1.90
18 pounds.....	.22 .075	.22 .165	.40 .30	.75 .57	1.10 .93	1.45 1.29	1.81 1.65	2.16 2.01
19 pounds.....	.23 .0775	.23 .1725	.42 .315	.79 .60	1.16 .98	1.53 1.36	1.91 1.74	2.28 2.12
20 pounds.....	.24 .08	.24 .18	.44 .33	.83 .63	1.22 1.03	1.61 1.43	2.01 1.83	2.40 2.23
25 pounds.....	.29 .0925	.29 .2175						
30 pounds.....	.34 .1050	.34 .255						
35 pounds.....	.39 .1175	.39 .2925						
40 pounds.....	.44 .13	.44 .33						
45 pounds.....	.49 .1425	.49 .3675						
50 pounds.....	.54 .155	.54 .405						

The first amount in each of the above blocks indicates the proposed postage; the other the estimated cost.
The average haul is based on the radial distance of the zones, except the eighth, where it is fixed at 2,200 miles.

Mr. KINDEL. Oh, tell me what you want and get through.

Mr. KEATING. I want to get a yes or no answer from the gentleman on that proposition. The impression which he has left upon me and I think upon a good many others, is that all the Interstate Commerce Commission has to do is to say to the railroads, "give the Government the benefit of the express rates," and the railroads must comply. As a matter of fact, is not legislation by this House necessary, and what steps has the gentleman taken to secure such legislation?

Mr. KINDEL. Oh, I have endeavored to convince the several members of the Interstate Commerce Commission, also introduced a bill, which is still in the pigeonhole. [Applause.] I have proposed a number of resolutions and not one of them has seen daylight in the House, and that is why I became very much disgruntled, and I wanted to know what was the use of longer parading under a Democratic banner if we can not get a hearing and get vital matters like this righted.

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?—and this is the last interruption.

Mr. KINDEL. Yes.

Mr. DONOVAN. I can not get it out of my head that you have not been fair as between the express company and the Government. That rate that you showed of \$10.01, and the Government paid to the railroad \$9.03 and the express company had it carried for \$2.85. Now, the express company got net out of that proposition one-half of \$5.70 rate, or \$2.85. The whole trouble lies with the railroads, and the railroads all over the country have appealed that they should have a higher rate, and your indictment should be against the railroads.

Mr. KINDEL. Mr. Speaker, I am amazed at the question that the gentleman asks. My proposition would give the railroad company 50 per cent more for carrying than they are getting to-day. For the clarification of the gentleman from Connecticut [Mr. DONOVAN], I insert here the rate on 100 pounds from New York to Denver:

Parcel post	\$10.01
Railroad cost	9.03
Express	5.70
One-half express charge for railroad pay	2.85
Kindel 50 per cent added	1.42
Pick-up and delivery charge	.30

Kindel proposed rate 4.57

Why should the citizen pay \$10.01 for service which could be done at a profit for \$4.57? Why overcharge him \$5.44?

If anybody but the United States Post Office did rob the public like that, he would undoubtedly be arrested for larceny or for violation of the Sherman Act.

The charges of the railroad to the United States Government for carrying parcel post from the Atlantic to the Pacific coast points is 14 cents the pound. In this case the Post Office pays a penalty of 2 cents on every pound of parcel post it carries.

The New York postmaster, in his report to the Senate Postal Committee for the week ending May 2, 1914, shows he carried over 100,000 pounds to and from the eighth zone.

It is only fair to presume that one-half this amount went to the thickly populated Pacific coast towns. Hence I make this deduction that the post office carried 50,000 pounds parcel post in one week in this instance at a direct loss of \$1,000; this multiplied by 52 weeks in the year would be \$52,000. Dare the Postmaster General or the New York postmaster challenge my statement? Then if I am correct in this one example of foolish and disastrous post-office management, how much more could be added if all the Atlantic coast offices were added to this computation?

Mr. Morgan, New York City's postmaster, is a very fine gentleman, but according to his own report he flagrantly violated the parcel-post laws eighty-five times in one week, yet I have seen no report of his being called on the carpet and fined by the Postmaster General \$4,000, or even \$4. Though I greatly respect the New York postmaster, I confess I "snitched" on him, believing it was my sworn duty to do so.

Mr. LOBECK. Mr. Speaker, will the gentleman yield?

Mr. KINDEL. Yes.

Mr. LOBECK. Your idea is that the Government should not pay any more to the railroads than the express companies do at this time?

Mr. KINDEL. I told you before that I make this proposition, that I would pay the railroads 50 per cent more than the express companies do and then cut present parcel-post rates from 20 to 50 per cent.

Mr. LOBECK. Why should you pay more?

Mr. KINDEL. I could give it to the railroads out of sympathy, and then I could show you how I could make money for the people, the Government, and the railroads, and make the cost of living really cheaper, which was, and is, the purpose of parcel post.

Mr. BARTON. Will the gentleman yield?

Mr. KINDEL. I would if I could, and I regret that I can not yield if I am expected to finish in the allotted time.

Mr. BARTON. I simply want to say that we want to hear the rest of the gentleman's statement, and I suggest that the gentleman does not yield any more.

Mr. KINDEL. I want to show the computation under these several prepared tables. On these 10 points—and this is figured on a Burroughs adding machine, and there can not be any question about the figures—the parcel-post rate totaled as \$266.95. To similar points east it is \$264.97. Now, there is but \$2 difference on parcel post, but when you get to the express rates over the same territory it is \$146.05 in the East and \$246.22 in the West. How are we supposed to do business and compete with the rest of the world. The Kindel-Burleson rate, which I have shown you, pays the railroads 50 per cent more, makes it \$197 West and \$120 East. That is based on the express rate. Now, the first thing I did when I was notified of my election to Congress and while I was tied up in bed with a broken leg I perfected an automatic graduate of nine zones. To figure a rate you multiply the number of zone by the number of pounds and add three and you automatically get the rate. For instance, you desire the rate from New York to Denver, which is in the seventh zone. Now, what is the rate on 10 pounds? [See Table No. 10.] It is 10 times 7 plus 3, equaling 73 cents. It works out beautifully, and up to 50 pounds nobody has beaten it so far. For simplicity, and excellence it beats Secretary Lane's \$225,000 tariff to the express company, and for which I compliment him most highly. My graduate is so simple and perfect that I have had it copyrighted and dedicated to President Wilson and presented through him to the people of the United States, and I again announce it here that it is yours if you want to use it. I now take up another table, No. 6:

TABLE No. 6.—Kindel's exhibit; 100 pounds parcel-post and express rates.

Miles.					Mdse.
1,377	Denver to San Francisco	Food—Express	\$5.06	\$6.02—P. P.	
	" " "	Food—K. & B.	4.00	6.75—Exp.	
				5.35—K. & B.	
1,256	Denver to Cincinnati	Food—Express	\$3.23	\$8.01—P. P.	
	" " "	Food—K. & B.	2.71	4.30—Exp.	
				3.52—K. & B.	
1,933	Denver to New York	Food—Express	\$4.28	\$10.01—P. P.	
	" " "	Food—K. & B.	3.51	5.70—Exp.	
				4.58—K. & B.	
915	Cincinnati to Boston	Food—Express	\$1.84	\$6.02—P. P.	
	" " "	Food—K. & B.	1.63	2.45—Exp.	
				2.13—K. & B.	
1,201	Cincinnati to San Antonio	Food—Express	\$3.53	\$8.01—P. P.	
	" " "	Food—K. & B.	2.94	4.70—Exp.	
				3.82—K. & B.	
1,763	Cincinnati to Salt Lake	Food—Express	\$5.14	\$10.01—P. P.	
	" " "	Food—K. & B.	4.15	6.85—Exp.	
				5.33—K. & B.	
1,280	Portland, Me., to Nashville	Food—Express	\$2.40	\$6.02—P. P.	
	" " "	Food—K. & B.	2.10	3.20—Exp.	
				2.70—K. & B.	
1,300	Portland, Me., to St. Louis	Food—Express	\$2.37	\$8.01—P. P.	
	" " "	Food—K. & B.	2.07	3.15—Exp.	
				2.60—K. & B.	
2,170	Portland, Me., to Denver	Food—Express	\$4.47	\$10.01—P. P.	
	" " "	Food—K. & B.	3.64	5.95—Exp.	
				4.75—K. & B.	

Legend.—The food rates are 25 per cent less than merchandise—by express. The K. & B. rates are combination of Kindel and Burleson rates.

Here (see Table No. 6) I have taken three points—that is, one point with three points—and I show you the parcel-post rates there are \$6.02, \$8.01, and \$10.01 on the 100 pounds. I am giving the mileage between points for convenience sake. Here [pointing] is Denver to Cincinnati, the second example on the diagram. The rate by parcel post, 100 pounds, would be \$8.01, or by express \$4.30. Now, if it is a food product or a drinkable product—except candy—then it is allowed 25 per cent less, or \$3.23 by express. If you apply the Kindel-Burleson system of mine to the latter, it is \$2.71 on food products as against \$8.01, the parcel-post rate. The merchandise express rate is \$4.30, which, under the Kindel-Burleson system—which pays the railroads 50 per cent more than express companies—it would be \$3.52 as against \$8.01. And you tell me it can not be done? The parcel post is

a big thing: it is the biggest thing that has been sadly ignored and neglected in this House, and I am amazed that four hundred and thirty-odd Members sit here and let this Post Office mismanagement go on unchallenged.

From Portland, Me., to St. Louis the express rate for 100 pounds is \$3.15.

Now, that is the territory east, where they are paying 10 cents the unit, where we in the West, of the one hundred and fifth meridian, pay 23 cents the unit. It is a shame that the people of my section are treated in this unjust fashion. I warrant you they will not stand for it complacently any longer. Watch the coming election returns.

Mr. SAMUEL W. SMITH. Will the gentleman yield for a question?

Mr. KINDEL. I will.

Mr. SAMUEL W. SMITH. Has the gentleman asked for a hearing on this proposition before the Committee on the Post Office and Post Roads?

Mr. KINDEL. Yes, I have; and I have been denied.

Mr. SAMUEL W. SMITH. When?

Mr. KINDEL. Some time ago, and Mr. Moon, chairman of the Post Office and Post Roads Committee, told me that he had no time, that he had to attend to other matters. How long do you think the American people are going to be fooled by the present parcel post once their attention is called to these inconsistencies? Now, you can take the comparative parcel-post and express rates. (See Table No. 7.)

Table No. 7.

MERCHANDISE RATES BETWEEN—

San Francisco, Cal.			Norton, Kans.			New York, N. Y.		
1,678 miles			1,642 miles					
Parcel-post rate.	Express rate.	Kindel-Burleson rate.	Weight.	Parcel-post rate.	Express rate.	Kindel-Burleson rate.		
\$0.41	\$0.59	\$0.45	5 pounds	\$0.41	\$0.44	\$0.37		
.81	.97	.78	10 pounds	.81	.67	.54		
1.61	1.75	1.38	20 pounds	1.61	1.15	.94		
4.01	4.07	3.20	50 pounds	4.01	2.57	2.08		
8.01	7.95	6.25	100 pounds	8.01	4.95	4.01		
14.85	15.33	12.09	Totals	14.85	9.78	7.94		

On this chart it is to be observed that the parcel-post rates are the same in both sections, while the express rates run over 50 per cent higher west than east; also that the Kindel-Burleson rates are 30 per cent less than express rates, which are 50 per cent less than parcel-post rates east of Norton, Kans.

Remember, too, Kindel rates are based on paying railroad companies 50 per cent more than express contract calls for.

Can you beat it? Why not adopt Kindel's proposed rates?

Norton, Kans., as you will observe, is a center point between New York and San Francisco. I remember, getting back to freight rates, that from Kansas City to Norton, Kans., the freight rate on 100 pounds first class is 44 cents; for the second half, Norton, Kans., to Denver, it is 1.18. Can anybody figure out how the man at Norton, Kans., can buy a dollar's worth in Denver with that kind of unjust and discriminative rates? I want to make this charge and challenge right here; I have done it in Denver, and I will do it here now. I am ready to debate with anybody that my city of Denver pays 100 per cent higher transportation rates per ton per mile than any city of its size in the Union, and I will take the affirmative side, my opponents can select the judges, and I will promise to convince my hearers. In reference to Table No. 3 I have taken their exact copy, except that I have substituted parcel-post rates for old express rates, as a warning to the public to beware of the parcel post. [Applause.] Now, do you not believe parcel-post patrons are getting fooled? You remember some time ago the Postmaster General threatened to sue me for \$4,000 for putting a rubber stamp on my previous parcel-post speech, but he has not collected yet, I am glad to say. [Laughter.]

The parcel-post rates beyond the second zone are invariably higher than express rates from East to West, and if shippers only knew and had this information they surely would ship via express and save money. And yet there are Democratic champions who contend that this present parcel post has done much to cheapen the cost of living. I deny it. It is a fool thing all the way through, in size, in weight, and in rates. I have reports here from various cities, but time and space forbid my using them in this argument. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. KINDEL. Now, these rates that I have figured from Denver to these several points you can study at your leisure.

Every State having two Senators, I selected two cities in each State that were on railroad and enjoyed both express and post office, with the following result.

The rates are on 20 pounds, the present weight limit beyond the second zone.

TABLE No. 8.—Showing rates from Denver to various cities, from New York to various cities, and between various points.

[Express rates are shown in roman figures and parcel-post rates in italic; rates to my city (Denver) are emphasized by heavy line.]

From Denver to—	20-pound express rate.	20-pound parcel-post rate.
1. Fayette, Ala.	\$1.19	\$1.61
2. Dothan, Ala.	1.31	1.61
3. Fayetteville, Ark.	.83	1.22
4. Monticello, Ark.	1.12	1.22
5. Tucson, Ariz.	1.05	1.22
6. Holbrook, Ariz.	.90	.83
7. Eureka, Cal.	1.81	1.61
8. Truckee, Cal.	1.51	1.22
9. Danbury, Conn.	1.30	2.01
10. Plainfield, Conn.	1.32	2.01
11. Dover, Del.	1.27	2.01
12. Georgetown, Del.	1.29	2.01
13. Washington, D. C.	1.25	2.01
14. Baldwin, Fla.	1.43	2.01
15. Pensacola, Fla.	1.34	1.61
16. Brunswick, Ga.	1.43	2.01
17. Rome, Ga.	1.19	1.61
18. Boise, Idaho.	1.16	1.22
19. Montpelier, Idaho.	.88	.83
20. Chicago, Ill.	1.00	1.22
21. Springfield, Ill.	.96	1.22
22. Muncie, Ind.	1.00	1.61
23. Evansville, Ind.	1.00	1.22
24. Marshalltown, Iowa.	.90	1.22
25. Council Bluffs, Iowa.	.74	.83
26. Great Bend, Kans.	.65	.83
27. Wichita, Kans.	.72	.83
28. Elizabethtown, Ky.	1.05	1.61
29. Covington, Ky.	1.02	1.61
30. Napoleonville, La.	1.25	1.61
31. Shreveport, La.	1.05	1.22
32. Augusta, Fla.	1.37	2.40
33. Portland, Me.	1.35	2.01
34. Hagerstown, Md.	1.22	2.01
35. Baltimore, Md.	1.25	2.01
36. Chatham, Mass.	1.37	2.01
37. Boston, Mass.	1.32	2.01
38. Marshall, Mich.	1.08	1.61
39. Detroit, Mich.	1.10	1.61
40. New Ulm, Minn.	.93	1.22
41. St. Paul, Minn.	.93	1.22
42. Ellisville, Miss.	1.22	1.61
43. Jackson, Miss.	1.16	1.22
44. Boonville, Mo.	.86	1.22
45. St. Louis, Mo.	.93	1.22
46. Missoula, Mont.	1.27	1.22
47. Billings, Mont.	.93	.83
48. Grand Island, Nebr.	.61	.83
49. Sidney, Nebr.	.48	.24
50. Austin, Nev.	1.24	1.22
51. Elko, Nev.	1.10	.83
52. Concord, N. H.	1.33	2.01
53. Manchester, N. H.	1.32	2.01
54. Atlantic City, N. J.	1.39	2.01
55. Trenton, N. J.	1.28	2.01
56. Albuquerque, N. Mex.	.71	.83
57. Deming, N. Mex.	.87	.83
58. Rochester, N. Y.	1.22	2.01
59. New York, N. Y.	1.30	2.01
60. Durham, N. C.	1.37	2.01
61. Asheville, N. C.	1.24	1.61
62. Fargo, N. Dak.	.96	1.22
63. Bismarck, N. Dak.	.96	.83
64. Cincinnati, Ohio.	1.02	1.61
65. Cleveland, Ohio.	1.10	1.61
66. Poteau, Okla.	.90	1.22
67. Muskogee, Okla.	.86	.83
68. Astoria, Oreg.	1.63	1.61
69. Baker City, Oreg.	1.25	1.22
70. Look Haven, Pa.	1.22	2.01
71. Pittsburgh, Pa.	1.14	1.61
72. Kingston, R. I.	1.32	2.01
73. Providence, R. I.	1.32	2.01
74. Florence, S. C.	1.38	2.01
75. Columbia, S. C.	1.36	1.61
76. Deadwood, S. Dak.	.68	.83
77. Aberdeen, S. Dak.	.90	.83
78. Murfreesboro, Tenn.	1.13	1.61
79. Memphis, Tenn.	1.05	1.22
80. Fort Worth, Tex.	.93	1.22
81. El Paso, Tex.	.90	.83
82. Price, Utah.	.78	.83
83. Salt Lake City, Utah.	.90	.83
84. Montpelier, Vt.	1.32	1.61
85. Rutland, Vt.	1.32	2.01
86. Charlottesville, Va.	1.25	2.01
87. Staunton, Va.	1.22	1.61
88. Seattle, Wash.	1.55	1.61
89. Spokane, Wash.	1.47	1.22
90. Martinsburg, W. Va.	1.22	2.01
91. Wheeling, W. Va.	1.12	1.61
92. Madison, Wis.	1.00	1.22
93. Milwaukee, Wis.	1.02	1.22
94. Evanston, Wyo.	.79	.83
95. Cheyenne, Wyo.	.44	.24

TABLE No. 8.—Showing rates from Denver and New York to various points, etc.—Continued.
[Express rates are shown in roman figures and parcel-post rates in italic.]

From New York to—	Distance.	First-class freight rate.	100-pound express rate.	20-pound express rate.	20-pound parcel-post rate.
	<i>Miles.</i>				
Chicago, Ill. ²	912	\$0.75	\$2.40	\$0.64	<i>\$1.22</i>
Philadelphia, Pa. ³	91	.22	.90	.34	<i>.24</i>
Boston, Mass. ⁴	235	.34	1.00	.36	<i>.44</i>
St. Louis, Mo. ⁵	1,065	.88	2.60	.68	<i>1.22</i>
Pittsburgh, Pa. ⁶	444	.45	1.20	.46	<i>.58</i>
Cleveland, Ohio ⁷	584	.53	1.90	.54	<i>.83</i>
San Francisco, Cal. ⁸	3,191	3.70	10.40	2.24	<i>2.40</i>
Cincinnati, Ohio ⁹	757	.65	2.15	.59	<i>.88</i>
Detroit, Mich. ¹⁰	693	.59	2.15	.59	<i>.88</i>
Kansas City, Mo. ¹¹	1,342	1.43	3.50	.85	<i>1.06</i>
Baltimore, Md. ¹²	188	.34	1.00	.36	<i>.44</i>
Minneapolis, Minn. ¹³	1,332	1.15	3.70	.90	<i>1.22</i>
Buffalo, N. Y. ¹⁴	442	.39	1.50	.46	<i>.58</i>
Los Angeles, Cal. ¹⁵	3,149	2.70	9.70	2.10	<i>2.40</i>
Milwaukee, Wis. ¹⁶	997	.75	2.60	.68	<i>1.06</i>
Washington, D. C. ¹⁷	228	.37	1.25	.41	<i>.44</i>
Indianapolis, Ind. ¹⁸	825	.70	2.30	.62	<i>1.22</i>
St. Paul, Minn. ¹⁹	1,322	1.15	3.70	.90	<i>1.22</i>
Denver, Colo. ²⁰	1,980	2.50	5.70	1.80	<i>2.01</i>
Atlanta, Ga. ²¹	876	1.17	3.05	.77	<i>1.22</i>
Rochester, N. Y. ²²	373	.35	1.50	.46	<i>.58</i>
Louisville, Ky. ²³	871	.75	2.40	.64	<i>1.22</i>
New Orleans, La. ²⁴	1,372	1.18	4.50	1.06	<i>1.06</i>
Omaha, Neb. ²⁵	1,405	1.43	3.70	.90	<i>1.06</i>
Portland, Ore. ²⁶	3,204	3.70	10.00	2.16	<i>2.40</i>
Seattle, Wash. ²⁷	3,136	3.70	9.95	2.15	<i>2.40</i>
Columbus, Ohio ²⁸	637	.59	2.00	.56	<i>.88</i>
Providence, R. I. ²⁹	190	.31	1.00	.36	<i>.44</i>
Des Moines, Iowa ³⁰	1,270	1.25	3.30	.82	<i>1.06</i>
Toledo, Ohio ³¹	705	.59	2.15	.59	<i>.88</i>
Dallas, Tex. ³²	1,773	2.35	5.20	1.20	<i>1.66</i>
Richmond, Va. ³³	343	.37	1.55	.47	<i>.58</i>
Memphis, Tenn. ³⁴	1,157	1.00	3.25	.81	<i>1.22</i>
Dayton, Ohio ³⁵	708	.63	2.15	.59	<i>.88</i>
Syracuse, N. Y. ³⁶	293	.35	1.40	.44	<i>.58</i>
Nashville, Tenn. ³⁷	998	.91	2.85	.73	<i>1.22</i>
Springfield, Mass. ³⁸	139	.22	1.00	.36	<i>.44</i>
Albany, N. Y. ³⁹	145	.26	1.00	.36	<i>.44</i>
Grand Rapids, Mich. ⁴⁰	821	.72	2.30	.62	<i>1.22</i>
Houston, Tex. ⁴¹	1,734	2.35	5.40	1.24	<i>1.66</i>
Jacksonville, Fla. ⁴²	983	1.06	3.35	.83	<i>1.22</i>
Worcester, Mass. ⁴³	193	.32	1.00	.36	<i>.44</i>
Spokane, Wash. ⁴⁴	2,797	3.50	9.00	1.96	<i>2.40</i>
Salt Lake City, Utah ⁴⁵	2,442	3.15	7.75	1.71	<i>2.40</i>

From—	Distance between.	First-class freight rate.	100-pound express rate.	20-pound express rate.	20-pound parcel-post rate.
	<i>Miles.</i>				
New York to Chicago	912	\$0.75	\$2.40	\$0.64	<i>\$1.22</i>
Chicago to Philadelphia	821	.73	2.30	.62	<i>1.22</i>
Philadelphia to Boston	326	.35	1.40	.44	<i>.58</i>
Boston to St. Louis	1,230	.88	2.75	.71	<i>1.61</i>
St. Louis to Pittsburgh	621	.66	2.10	.58	<i>.88</i>
Pittsburgh to Brooklyn	446	.45	1.80	.46	<i>.58</i>
Brooklyn to Cleveland	586	.53	1.85	.53	<i>.83</i>
Cleveland to San Francisco	2,686	3.60	9.65	2.09	<i>2.40</i>
San Francisco to Cincinnati	2,577	3.50	9.65	2.09	<i>2.40</i>
Cincinnati to Detroit	271	.38	1.25	.41	<i>.44</i>
Detroit to Kansas City	714	1.01	2.85	.67	<i>1.22</i>
Kansas City to Baltimore	1,211	1.44	3.20	.80	<i>1.22</i>
Baltimore to Minneapolis	1,222	1.07	3.50	.86	<i>1.22</i>
Minneapolis to Buffalo	945	.95	3.00	.76	<i>1.22</i>
Buffalo to Los Angeles	2,774	3.60	9.35	2.03	<i>2.40</i>
Los Angeles to Milwaukee	2,350	3.40	9.10	1.98	<i>2.01</i>
Milwaukee to Washington	875	.72	2.50	.66	<i>.88</i>
Washington to Indianapolis	664	.62	2.00	.56	<i>.88</i>
Indianapolis to St. Paul	593	.81	2.35	.63	<i>.88</i>
St. Paul to Denver	874	1.62	3.85	.93	<i>1.22</i>
Denver to Newark	1,921	2.40	5.60	1.28	<i>2.01</i>
Newark to Atlanta	867	1.17	2.95	.75	<i>1.22</i>
Atlanta to Rochester	1,002	1.26	3.20	.80	<i>1.22</i>
Rochester to Louisville	608	.53	2.00	.56	<i>.88</i>
Louisville to New Orleans	778	.90	2.95	.75	<i>1.22</i>
New Orleans to Omaha	1,080	1.15	4.10	.98	<i>1.22</i>

TABLE No. 9.—Parcel-post and express rates on books now in effect.

Weight.	From New York to—													
	Philadelphia.		Buffalo.		Detroit.		Chicago.		Omaha.		Denver.		San Francisco.	
	Zones.													
	2		3		4		5		6		7		8	
	Parcel-post rate.	Express rate.	Parcel-post rate.	Express rate.	Parcel-post rate.	Express rate.	Parcel-post rate.	Express rate.	Parcel-post rate.	Express rate.	Parcel-post rate.	Express rate.	Parcel-post rate.	Express rate.
8 ounces.....	\$0.04	\$0.15	\$0.04	\$0.15	\$0.04	\$0.15	\$0.04	\$0.15	\$0.04	\$0.15	\$0.04	\$0.15	\$0.04	\$0.15
9 ounces.....	.05	.15	.07	.15	.08	.15	.09	.15	.10	.15	.11	.15	.12	.15
16 ounces.....	.05	.15	.07	.15	.08	.15	.09	.15	.10	.15	.11	.15	.12	.15
17 ounces.....	.06	.15	.12	.15	.14	.15	.16	.15	.19	.15	.21	.15	.24	.15
32 ounces.....	.06	.16	.12	.16	.14	.16	.16	.16	.19	.16	.21	.16	.24	.16
48 ounces.....	.07	.22	.17	.24	.20	.24	.23	.24	.28	.24	.31	.24	.36	.24
64 ounces.....	.08	.23	.22	.25	.26	.28	.30	.29	.37	.32	.41	.32	.48	.32

TABLE No. 8.—Showing rates from Denver and New York to various points, etc.—Continued.

From—	Distance between.	First-class freight rate.	100-pound express rate.	20-pound express rate.	20-pound parcel-post rate.
	<i>Miles.</i>				
Omaha to Portland, Ore.	1,799	\$3.00	\$8.05	\$1.77	<i>\$1.91</i>
Portland, Ore., to Seattle	185	.30	1.40	.44	<i>.54</i>
Seattle to Columbus, Ohio	2,538	3.60	9.20	2.00	<i>2.40</i>
Columbus, Ohio, to Providence	827	.64	2.25	.61	<i>.83</i>
Providence to Des Moines	1,382	1.25	3.50	.86	<i>1.61</i>
Des Moines to Toledo	602	.88	2.20	.60	<i>.85</i>
Toledo to Dallas	1,145	1.87	4.10	1.08	<i>1.22</i>
Dallas to Richmond	1,370	2.23	4.95	1.15	<i>1.61</i>
Richmond to Memphis	902	.89	3.25	.81	<i>1.22</i>
Memphis to Dayton	550	.89	2.10	.58	<i>.83</i>
Dayton to Syracuse	539	.80	1.40	.44	<i>.58</i>
Syracuse to Hartford	277	.38	1.40	.44	<i>.54</i>
New Haven to Nashville	1,074	.91	2.95	.75	<i>1.22</i>
Nashville to Springfield, Mass.	1,146	.95	3.05	.77	<i>1.22</i>
Albany to Jersey City	143	.26	1.00	.36	<i>.44</i>
Jersey City to Grand Rapids	819	.72	2.25	.61	<i>.83</i>
Grand Rapids to Houston	1,278	1.87	4.40	1.04	<i>1.61</i>
Houston to Jacksonville	978	1.82	3.75	.91	<i>1.22</i>
Jacksonville to Worcester, Mass.	1,176	1.13	3.75	.91	<i>1.22</i>
Worcester, Mass., to Spokane	2,875	3.50	9.15	1.99	<i>2.40</i>
Spokane to Salt Lake City	922	1.72	4.40	1.04	<i>.85</i>

Now, if you take New York City, with all the other points, and you want to find out the rate on 20 pounds between any point near any other point given in table within 150 miles, simply add 24 cents to it. That is what the express companies and mail-order houses are doing. You can ship 100 pounds from New York to Des Moines, Iowa, by express, and reship in five 20-pound packages at Des Moines via parcel post and save \$5 a hundred pounds by combination express and parcel post as against all parcel post from the initial point to destination points. The New York Suit & Cloak Co. and others are doing that very thing to-day. The mail-order houses in Buffalo, Chicago, and New York are doing the same thing, to the detriment of the little dealer and the Government, and that is why I wanted to go to Kansas and show the people, especially the small storekeepers out there, and help Senator Bailew, who has proposed in the Senate my parcel-post graduate, which is a reasonable and simple graduate. I do not know Senator Bailew intimately, but I admire him, not because he is a Republican, but because he has the courage to stand for what he thinks is right. He is an energetic and intelligent worker. The people of Kansas and the United States will miss his valuable services.

All over the West the complaint is made that the parcel-post rates to the second zone are entirely too low and have played havoc with our freight trains and stage coaches. Our Government in numerous instances is forced to pay several hundred per cent higher for hauling than it receives for carrying packages. Many of our freight trains and stage lines have already or are about to quit business because they can not possibly carry parcels post on overland routes at the price that is paid them by the Government. To illustrate: First-class railroad freight rates from Denver to Steamboat Springs is \$1.60 a hundred. The parcel post, in two packages, is \$1.08, out of which the railroad company is paid only 80 cents for fast-train haulage. On the stage routes these comparisons become increasingly greater.

Note how our post office will carry 8 ounces of books from New York to San Francisco at 4 cents, but for 9 ounces of books it charges 12 cents; in other words, you must pay 8 cents for the additional ounce weight. On an additional ounce above the pound you must pay 12 cents in each instance between the same points. Has there ever been so arbitrary and idiotic a tariff proposed or in use anywhere but in this great and glorious country of ours?

HOW IT WORKS OUT.

DENVER, COLO., July 29, 1914.

Hon. GEO. J. KINDEL, Washington, D. C.

DEAR GEORGE: I read your last remarks anent parcel-post charges to Mexico and must congratulate you on your fine work. You have been dealing sledge-hammer blows at the incompetency and the inequitable charges—all more or less in the interests of railroads and express companies.

Let me give you a detail in my own experience. God only knows why photographs are not merchandise, but unless a package weighs 4 pounds we must send as "printed matter," and consequently when a package of photographs would ordinarily demand 15, 20, 25, or 30 cents (anything at all over 8 cents) we simply add boards and heavy cardboard, a piece of iron or a nail or two and bring the weight up to 4 pounds or over. Then it goes for the lowest possible rate. Last week I had a package that weighed 3½ pounds. The rate would be 32 cents, but by adding a few heavy cardboards I brought it up to 4 pounds and it went for 8 cents. Can you beat it? The heavier the package the less it costs to ship. I hope you will run again for Congress.

Yours, truly,

C. A. NAST.

Another sample of freakish interstate-commerce ruling which happened right here in Washington recently was when Judge Will R. King, general counsel of the United States Reclamation Service, concluded he would return a borrowed steamer trunk to a friend of his living in Hyattsville, Md., 10 miles distant, which was too large in size to ship by parcel post. He had it taken to the depot, paid 17 cents for a passenger ticket, and then asked the agent to check the trunk on said ticket. The agent discovered the trunk was unlocked, although it was roped. He stated he could not check it unless Judge King would assume the risk of damage to its contents. This the judge readily consented to do, with a ha! ha! remarking that as nothing was in the trunk he would assume the risk. Upon being informed that the trunk was empty the agent stated that under the rules established by the Interstate Commerce Commission he could not check an empty trunk. Thereupon the judge brought forth a penny, wrapped it in a newspaper in ball fashion, and placed it in the trunk. Here the agent again protested, and reminded the judge that money was not wearing apparel, also that the rules inhibit a trunk being checked unless it contained bona fide wearing apparel. The resourceful Judge King instantly proceeded to take off one of his socks, wrapped it in paper addressed to himself, attached a parcel-post stamp, and placed same in the trunk with the deft, "Now, I trust you will comply with the imperialistic orders of your railroad and the Interstate Commerce Commission and check that trunk." The agent with a look of scorn and defeat sullenly performed his function and checked the trunk. Needless to say the trunk arrived at its destination, the law was vindicated, and the judge was satisfied when his sock was returned to him by parcel post.

Referring now to Table No. 10, I show rates between 33 points with each other on 50-pound parcel-post, express, and Kindel graduate rates; also the Kindel graduate table, with key and suggestion. In many instances it cost 275 per cent higher by parcel post than by express.

Why boast of our intelligence and brag about our parcel post? Our Postmaster General goes on to tell you what legislation we need as to architecture of post-office buildings. If he is no better authority on architecture than on parcel-post rates, God help the country. [Laughter.]

Mr. HULINGS. Will the gentleman yield?

Mr. KINDEL. I will.

Mr. HULINGS. In the small parcels, up to 5 and 10 pounds, is not the parcel-post rate much cheaper than the express rates?

Mr. KINDEL. If the same insurance of packages is carried, no. In the 150-mile radius, up to 5 pounds only, in some cases, yes—depending on geography.

Here is the cause of it all:

[Mr. KINDEL here exhibited a parcel-post map, on which the residence of the 21 members of the committee are indicated by marks.]

Every one of the 14 Democratic members of the Interstate and Foreign Commerce Committee resides within the circle of 650 miles, which is east of the ninety-seventh meridian. Every Democratic member of the committee is a lawyer by profession, and that is why I told them in Democratic caucus there was not a man among them that knew the difference between a bill of lading and a bill of fare. The three members of the committee that are shown west of the ninety-seventh meridian are Republicans.

Denver is located over here—one hundred and fifth meridian [indicating]. We had a representative on this committee in the last Congress, and before I came here. Every one of my colleagues, with the Senators, came to my bedside and promised me they would get me on that committee; but I did not get on, and that is why I am ready to tell on the floor of the House instead of in committee what I know about transportation rates. This shows the apparent discrimination. I regret

that permission to insert the following maps in reduced size has been denied me.

There [indicating] is the Post Office and Post Roads Committee, within a circle of 600 miles. The fourteenth one is down in Texas—a Democrat—and the sixteenth is the Republican gentleman from Minnesota [Mr. STEENBERSON]. No wonder we are paying these outrageous transportation rates. Talk about getting a square deal—

Mr. GOOD. Will the gentleman yield?

Mr. KINDEL. Yes.

Mr. GOOD. Does the gentleman claim that a revision of the laws along the lines he has submitted, so as to give a lower parcel-post rate, would reduce the cost of living?

Mr. KINDEL. Surely.

Mr. GOOD. I would like to ask the gentleman another question. Does the book from which he read, called "Democratic Achievement," point out the lowering of the cost of living in any way?

Mr. KINDEL. That is what they infer, but there is no proof of it. I am showing you by proof that there is not.

The Ways and Means Committee is within that circle of 650 miles. Denver is located out here. There is one Democrat, No. 10—Mr. GARNER from Texas—and No. 21 is the Progressive gentleman, Mr. VICTOR MURDOCK, our esteemed friend from Kansas. He is out here on line of ninety-seventh meridian [indicating]. Outside of those two we have not a soul from the trans-Mississippi West on that committee.

Here is the Appropriations Committee. Here is Denver [pointing]. The only committeeman on this important committee west of ninety-seventh meridian is the Republican gentleman from Wyoming [Mr. MONDELL]. We of the West are not considered when it comes to making up committees. We might as well be off the map. Here is the Agricultural Committee. We are the recognized bread basket of the universe in this the trans-Mississippi West [pointing]. We have been fighting for relief from discriminative rates for years. That is why I consented to get into politics, and why I led the Democratic victory in Colorado.

Mr. JOHNSON of Washington. In the Agricultural Committee all the forest reserves are outside of the charmed circle, are they not?

Mr. KINDEL. I believe they are. I have not had the time to find out. I do know that all the committeemen on the Agricultural Committee reside within a circle of 650 miles and east of the one hundredth meridian. Denver, as usual, is out here in the cold. Next here is the Committee on Military Affairs, which does not interest us because we are a peace-loving people, notwithstanding Colorado coal-strike killings by United Mine dynamiters. What we want to show in this instance, as in all the others, is that the Democratic members, as usual, live all within the charmed circle of 650 miles east of the ninety-seventh meridian. The same applies to the Committee on Rivers and Harbors, the Committee on Foreign Affairs, and the Committee on Naval Affairs.

Of the chairmanships of the House, of which there are 57 in all, all Democrats, of course, and all of whom live within the circle of 800 miles and east of the one hundredth meridian. Of these 57 committee chairmen the greater and more important of the number are 17 committees, composed of 21 members each, and they are distributed as follows: Four in Virginia, the home of our Presidents; 2 in Missouri, the home of our Speaker; 2 in Alabama, the home of the Democratic leader; and 2 in Tennessee, the home of the chairman of the Post Office and Post Roads Committee; but none west of the one hundredth meridian.

Mr. JOHNSON of Washington. What else do northern and western Democrats expect?

Mr. KINDEL. Nothing. And, striking as it may seem, the committees number 57 exactly, like Heinz's varieties. [Laughter and applause.] They are all included in that circle—east of the one hundredth meridian, as shown here.

Mr. JOHNSON of Washington. Does the gentleman mean to say that all that country west of the Missouri River has not a chairmanship?

Mr. KINDEL. Yes. It has not a chairmanship; not one; while the State of Virginia has four.

Mr. SMITH of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. KINDEL. Yes.

Mr. SMITH of Minnesota. What conclusion do you draw from the making up of committees as you represent them?

Mr. KINDEL. I draw this conclusion: That it is on a line of "taxation without representation." We ought to have some representation on these committees, but we have not got it, and

there is nobody to represent us; and they will not let me get into the committee room to present the facts. I am anxious and ready to show them that I am not, as I have been charged by my colleague, Mr. KEATING, the hired champion of any railroad or express company or other corporation, and, least of all, the champion of John D. Rockefeller, whom, I want to say, I fought on his oil fight many years ago, long before Mr. KEATING was thought of. I helped, too, in 1895, to get the Colorado Fuel & Iron Co. freight rates reduced from \$1.60 per hundredweight down to 45 cents to Pacific coast points; but that is no reason why I should not support Mr. John D. Rockefeller, jr., and others when in the right.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. KINDEL. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 10 minutes.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent that the gentleman from Colorado [Mr. KINDEL] may proceed for 10 minutes. Is there objection?

Mr. BUCHANAN of Illinois. Mr. Speaker, reserving the right to object, I want to ask the gentleman if he will couple with that the request that the gentleman from Maryland [Mr. LEWIS] may have 30 minutes after he has had 10 minutes.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] couples with that the request that the gentleman from Maryland [Mr. LEWIS] may have 30 minutes. Is there objection. [After a pause.] The Chair hears none, and the gentleman from Colorado will proceed for 10 minutes, and the gentleman from Maryland will have 30 minutes.

Mr. KEATING. Mr. Speaker, will the gentleman allow an interruption?

Mr. KINDEL. Yes.

Mr. KEATING. I am deeply interested in the maps which the gentleman has shown. Has the gentleman made a map showing the representation on the Committee on Public Lands, and on the Committee on Irrigation of Arid Lands, and on the Committee on Mines and Mining, and those other committees in which the West is particularly interested?

Mr. KINDEL. No. I ran out of maps. [Laughter.] If you want, and will furnish me with blank maps, I will make them for you. [Renewed laughter.]

Now, gentlemen, I want to show you what the result would be if Mr. LEWIS's scheme of rates should be carried out literally. I want to say that he has been the adviser of the Postmaster General and in effect his scheme is carried out, but in 400-mile jumps instead of 100 miles, and he gets that irreconcilable result in rates that I have demonstrated.

Now, the black circular lines indicate going westward and the red lines coming east would be 100 miles apart in Mr. LEWIS's proposition. One trouble I find with the present rates as they are to-day is that if we extended the weight limit from 20 pounds to 100 pounds, you could, beyond the third zone, save 95 cents a hundred. Does anybody know how to do that? No; not even the chairman of the Post Office Committee knows it, although I have shown how he could do it from his home, Chattanooga. In transportation that should not be permissible—that you reship at less than the sum of the through rate. It should never be permitted.

Now, my first scheme included 9 zones instead of 24, as Mr. LEWIS suggests. By the way, I will be glad at any time to accommodate Mr. LEWIS or anybody else and have this discussion in five-minute or longer turns, alternating, if he will do it. We can then the better explain and get the best results out of it. I have never worked so hard in my life as I have done in the past 18 months, and I have apparently got nowhere. [Laughter.]

This is the graduate that I perfected—see Table No. 10. To figure a rate, multiply zone by the pound and add 3. For example, take 8 zone and multiply by 10 pounds and add 3, and that makes 83 cents. Now, you ask why I say "add 3"? That was determined by the Post Office Committee as the overhead charge. All rates ought to show a declension as the distance increases. If 100 miles should be, say, \$1 rate, 200 hundred miles should not be \$2 simply because it is twice the distance. There should be a declension, which is recognized throughout the civilized and commercial world.

Mr. GOOD. Mr. Speaker, will the gentleman yield for one question?

Mr. KINDEL. Yes.

Mr. GOOD. The gentleman has one map which shows the rates, called the "Kindel-Burleson rates." It is a little con-

fusing. I was led to believe from the statement of the map that the Postmaster General had accepted it and was a party in making up the list. Is it a fact that he does not agree with your rate?

Mr. KINDEL. Oh, no; he does not know enough to do it. [Laughter.] So far he has shown no inclination to understand. He told me so, distinctly; and even the President himself, when I showed him some of these things and also the map, he first wanted to argue, but I soon convinced him that he did not know much if anything about transportation. He made the excuse, "I can not know all these things." I said to him, "My dear Mr. President, I know that. That is why I came down here to help."

The RECORD shows this morning that I offered a resolution that was instigated by a man in New York by the name of Wolf.

Mr. SMITH of Minnesota. Lamar.

Mr. KINDEL. Yes; that is the name. I do not know the man. The resolution I introduced was brought out by the Antitrust League, of which I have the honor to be a member, some of which members I have known for many years. It was the league and myself and another man who brought about the Stanley Steel Trust investigation several years ago. What the President did say on that matter of my resolution to investigate was that I was mistaken. I got my data from the courts and the papers, and when the error was brought to my attention I cut out that particular paragraph. But the rest is still there. It is the matter of the dissolution of the Union and Southern Pacific Railroads.

Then I was called before "His highness, the Secretary of State." [Laughter.] He wanted to know if I was a Democrat. I said, "Yes; I voted for you several times, and would vote for you again if I thought you were right, and if not I would not vote for you." I said, "I do not care for your politics, it is men and measures that count with me. If we can not get these things fixed—things that are so simple and vital like this parcel post—then I want to go home and attend to my knitting. Besides that, I do not want to linger in this heat, waiting in vain, and finally be Oslerized." [Laughter.]

Gentleman, I thank you for your attention. I ask leave, Mr. Speaker, to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KINDEL. In addition to the above, without any desire to encroach upon the patience of the House, I think I should further state a few more facts regarding the parcel post that are not generally known. As everybody is aware, the parcel post has been increased since the incumbency of the Democratic Party in weight from 11 pounds to as much as 50 pounds in the second zone and 20 pounds in all zones beyond. With the 11-pound maximum weight was adopted the European dimension, or size, of package, making 72 inches total. Of what benefit is the enlargement of the parcel post in cases—and there are many of them—where it is impossible for 72 inches to encompass the pounds of the goods to be shipped, without destroying the value of the same to a greater or less degree?

I had prepared for me by the Bureau of Standards a table of weights, under the 72-inch measure, of certain products of the soil. I will mention a few:

A cubic foot of apples contains 31 pounds. How can you ship 50 pounds of apples under the 72-inch measure?

A cubic foot of blueberries contains 27 pounds? How can you ship 50 pounds of blueberries by parcel post?

A cubic foot of grass seed weighs 11 pounds. How can you ship 50 pounds by parcel post?

A cubic foot of bolted corn meal weighs 35 pounds. How can you ship 50 pounds of corn meal by parcel post?

A cubic foot of onion sets weighs 18 pounds. How can you ship 50 pounds by parcel post?

A cubic foot of peanuts weighs 14 pounds. How can you ship 50 pounds by parcel post?

And so on.

OUR FOREIGN PARCEL POST.

Lord & Taylor, of New York City, have plants both in this country and in Germany. The rate on their 11-pound parcel from Germany to Cuba is 50 cents; to Costa Rica, 55 cents; to Mexico, 55 cents; to Nicaragua, 85 cents; to Panama, 60 cents; to Uruguay, 85 cents; to Colombia, 90 cents. The tax levied on parcels posted from their American plants to all countries with which we have parcel-post conventions is 11 pounds, \$1.32.

Table No. 10.

PARCEL POST, EXPRESS, AND PROPOSED KINDEL RATES, BASED ON 50-POUND SHIPMENTS.

		1	2	3	4	5	6	7	8	9	10	11	12	13	14
		Baltimore.	Birmingham.	Boston.	Buffalo.	Butte.	Cheyenne.	Chicago.	Cincinnati.	Cleveland.	Denver.	Detroit.	Galveston.	Indianapolis.	Kansas City, Mo.
1. Baltimore:	Parcel post rate..	\$3.02													
	Express rate.....	1.95													
2. Birmingham:	Kindel rate.....	2.03													
	Parcel post rate..	1.04	\$3.02												
	Express rate.....	.85	2.00												
3. Boston:	Kindel rate.....	1.03	2.53												
	Parcel post rate..	2.03	3.02	\$2.03											
	Express rate.....	.85	1.60	.90											
4. Buffalo:	Kindel rate.....	1.03	2.03	1.53											
	Parcel post rate..	6.00	5.01	6.00	\$5.01										
	Express rate.....	3.95	4.05	4.05	3.78										
5. Butte:	Kindel rate.....	2.53	3.03	2.53	3.53										
	Parcel post rate..	5.01	4.01	5.01	4.01	\$2.03									
	Express rate.....	2.98	2.35	3.05	2.73	2.43									
6. Cheyenne:	Kindel rate.....	2.03	2.53	2.53	3.03	1.53									
	Parcel post rate..	2.03	2.03	3.02	2.03	4.01	\$3.02								
	Express rate.....	1.23	1.30	1.35	1.00	3.38	2.18								
7. Chicago:	Kindel rate.....	1.53	1.53	2.03	1.53	2.53	2.03								
	Parcel post rate..	2.03	2.03	3.02	2.03	5.01	4.01	\$1.04							
	Express rate.....	1.05	1.25	1.33	.95	3.65	2.40	.78							
8. Cincinnati:	Kindel rate.....	1.53	1.53	2.03	1.53	3.03	2.53	1.03							
	Parcel post rate..	2.03	2.03	2.03	.54	5.01	4.01	1.04	\$1.04						
	Express rate.....	.95	1.45	1.10	.68	3.70	2.53	.80	.73						
9. Cleveland:	Kindel rate.....	1.03	1.53	1.53	.53	2.03	2.53	1.03	1.03						
	Parcel post rate..	5.01	4.01	5.01	4.01	3.03	.54	3.02	4.01	\$4.01					
	Express rate.....	2.83	2.68	3.00	2.65	2.70	.80	2.80	2.95	2.45					
10. Denver:	Kindel rate.....	2.03	2.53	2.53	3.03	1.53	.53	2.53	2.53	2.53					
	Parcel post rate..	2.03	2.03	2.03	1.04	5.01	4.01	1.04	1.04	.54	\$4.01				
	Express rate.....	1.15	1.43	1.33	.80	3.60	2.48	.73	.73	.68	2.45				
11. Detroit:	Kindel rate.....	1.53	1.53	1.53	1.03	3.03	2.53	1.03	1.03	.68	2.53				
	Parcel post rate..	4.01	2.03	5.01	4.01	5.01	3.02	3.02	3.02	4.01	3.02	\$3.02			
	Express rate.....	2.70	1.65	2.90	2.45	4.33	2.70	2.15	2.10	2.28	2.43	2.85			
12. Galveston:	Kindel rate.....	2.53	1.53	3.03	3.03	3.03	2.53	2.53	2.03	2.53	2.53	2.53			
	Parcel post rate..	2.03	2.03	3.02	2.03	4.01	3.02	.54	.54	1.04	3.02	1.04	\$3.02		
	Express rate.....	1.10	1.30	1.33	.95	3.33	2.25	.60	.55	.80	2.20	.73	2.05		
13. Indianapolis:	Kindel rate.....	1.53	1.53	2.03	1.53	3.03	2.53	.53	1.03	2.53	1.03	2.53	1.03	\$2.03	
	Parcel post rate..	3.02	2.03	4.01	3.02	4.01	2.03	2.03	3.02	3.02	3.02	3.02	3.02	3.02	2.03
	Express rate.....	1.70	1.70	1.95	1.55	3.03	1.70	1.15	1.28	1.48	1.70	1.88	1.88	1.15	1.58
14. Kansas City, Mo.:	Kindel rate.....	2.53	1.53	2.03	2.03	2.53	1.53	1.53	1.53	1.53	1.53	2.03	2.03	2.03	1.58
	Parcel post rate..	6.00	6.00	6.00	6.00	3.02	3.02	5.01	6.00	6.00	3.02	6.00	4.01	5.01	5.01
	Express rate.....	4.85	4.40	5.10	4.78	3.08	3.30	4.55	4.00	4.70	3.85	4.65	3.90	4.55	4.00
15. Los Angeles:	Kindel rate.....	4.03	3.53	4.03	4.03	2.03	2.03	3.53	3.53	3.53	2.03	3.53	3.03	3.53	3.03
	Parcel post rate..	2.03	2.03	3.02	2.03	5.01	4.01	1.04	.54	1.04	3.02	1.04	3.02	.54	2.33
	Express rate.....	1.15	1.30	1.38	1.30	3.65	2.43	.73	.55	.85	2.25	.80	1.88	.70	1.25
16. Louisville:	Kindel rate.....	1.53	1.03	2.03	1.53	3.03	2.53	1.03	.53	1.03	2.53	1.03	2.03	.53	1.53
	Parcel post rate..	3.02	1.04	4.01	3.02	4.01	3.02	2.03	2.03	3.02	3.02	2.03	2.03	2.03	2.03
	Express rate.....	1.53	.88	1.88	1.43	3.35	2.50	1.15	1.15	1.33	2.33	1.30	1.30	1.06	1.33
17. Memphis:	Kindel rate.....	2.03	1.03	2.53	2.03	3.03	2.03	1.53	1.53	2.03	2.03	1.53	1.53	1.03	1.03
	Parcel post rate..	3.02	3.02	3.02	2.03	4.01	3.02	.54	1.04	1.04	3.02	1.04	4.01	1.04	2.03
	Express rate.....	1.35	1.48	1.48	1.10	3.80	2.20	.90	.96	.96	2.28	.80	2.75	.80	1.05
18. Milwaukee:	Kindel rate.....	1.53	2.03	2.03	1.53	2.53	2.03	.53	1.03	1.03	2.03	1.03	2.53	1.03	1.53
	Parcel post rate..	2.03	.54	3.02	2.03	5.01	4.01	2.03	1.04	2.03	3.02	2.03	3.02	1.04	2.03
	Express rate.....	1.33	.80	1.63	1.33	3.35	2.53	.88	1.78	1.15	2.40	1.05	1.85	.80	1.43
19. Nashville:	Kindel rate.....	1.53	.53	2.03	1.53	3.03	2.53	1.53	1.03	1.53	2.53	1.53	2.03	1.03	1.53
	Parcel post rate..	3.02	2.03	4.01	4.01	5.01	4.01	3.02	3.02	3.02	4.01	3.02	1.04	3.02	3.02
	Express rate.....	2.10	1.13	2.40	2.03	4.35	3.05	1.65	1.68	1.85	2.80	1.83	1.80	1.60	1.95
20. New Orleans:	Kindel rate.....	2.53	1.03	3.03	2.53	3.03	2.53	2.03	2.03	2.53	2.53	2.53	1.03	2.03	2.03
	Parcel post rate..	.54	3.02	1.04	1.04	6.00	5.01	3.02	2.03	2.03	5.01	2.03	4.01	3.02	4.01
	Express rate.....	.60	1.83	.60	.85	4.00	3.03	1.30	1.18	1.05	2.35	1.18	2.80	1.35	1.85
21. New York:	Kindel rate.....	.53	2.03	1.03	1.03	3.53	3.03	2.03	1.53	1.03	3.03	1.53	3.03	2.03	2.53
	Parcel post rate..	3.02	3.02	4.01	3.02	3.02	2.03	2.03	3.02	3.02	2.03	3.02	3.02	2.03	.54
	Express rate.....	1.85	1.80	2.05	1.65	2.85	1.60	1.33	1.45	1.43	1.55	1.45	3.25	1.38	.80
22. Omaha:	Kindel rate.....	2.53	2.03	2.53	2.03	2.03	1.53	1.03	1.53	2.03	1.53	2.03	2.03	1.53	.53
	Parcel post rate..	.54	3.02	1.04	1.04	6.00	5.01	3.02	2.03	2.03	5.01	2.03	4.01	2.03	4.01
	Express rate.....	.48	1.73	.80	.80	4.00	3.00	1.35	1.70	.95	2.88	1.15	2.75	1.15	1.75
23. Philadelphia:	Kindel rate.....	.53	2.03	1.03	1.03	3.53	3.03	2.03	1.53	1.03	3.03	1.53	3.03	1.53	2.53
	Parcel post rate..	1.04	2.03	2.03	1.04	5.01	4.01	2.03	1.04	.54	4.01	1.04	4.01	2.03	3.02
	Express rate.....	.73	1.60	1.05	.80	3.80	2.68	.65	.80	.60	2.55	.85	2.40	.80	1.50
24. Pittsburgh:	Kindel rate.....	1.03	1.53	1.53	1.03	3.03	3.03	1.53	1.03	.53	3.03	1.03	2.53	1.03	2.03
	Parcel post rate..	2.03	4.01	.54	2.03	6.00	5.01	3.02	3.02	2.03	5.01	3.02	5.01	3.02	4.01
	Express rate.....	.95	2.10	.55	1.00	4.10	3.13	1.43	1.43	1.18	3.08	1.83	3.00	1.43	1.95
25. Portland, Me.:	Kindel rate.....	1.53	2.53	.53	1.53	3.53	3.53	2.03	2.03	1.53	3.53	2.03	3.53	2.03	3.05
	Parcel post rate..	6.00	6.00	6.00	6.00	2.03	3.02	5.01	6.00	6.00	3.02	6.00	6.00	6.00	5.01
	Express rate.....	4.03	2.05	5.20	4.90	2.00	2.85	4.53	4.73	4.78	3.60	4.73	6.25	4.65	4.35
26. Portland, Oreg.:	Kindel rate.....	4.03	3.53	4.03	4.03	1.53	2.53	3.53	3.53	3.53	2.53	3.53	3.03	4.03	3.05
	Parcel post rate..	6.00	5.01	6.00	5.01	2.03	2.03	4.01	5.01	5.01	2.03	5.01	4.01	4.01	3.02
	Express rate.....	3.88	3.98	4.03	3.70	1.65	1.88	3.40	3.53	3.63	1.95	3.63	3.60	3.40	2.83
27. Salt Lake City:	Kindel rate.....	3.53	3.03	3.53	3.53	1.03	1.03	2.53	3.03	3.03	1.53	3.03	2.53	3.03	2.03
	Parcel post rate..	4.01	3.02	6.00	5.01	4.01	3.02	4.01	4.01	4.01	3.02	4.01	1.04	3.02	3.02
	Express rate.....	2.98	2.00	3.18	2.90	4.63	2.60	2.53	2.45	2.75	2.45	2.68	1.00	2.40	1.35
28. San Antonio:	Kindel rate.....	3.03	2.03	3.53	3.03	3.03	2.03	2.53	2.03	2.53	2.03	2.53	1.03	2.53	2.03
	Parcel post rate..	6.00	6.00	6.00	6.00	3.02	3.02	6.00	6.00	6.00	3.02	6.00	6.00	6.00	5.01
	Express rate.....	6.25	6.10	5.35	5.00	3.08	3.25	4.75	4.98	4.83	3.48	4.83	4.80	4.80	4.38
29. San Francisco:	Kindel rate.....	4.03	3.53	4.03	4.03	2.03	2.53	3.53	3.53	4.03	2.53	3.53	3.03	3.53	3.03
	Parcel post rate..	6.00	6.00	6.00	6.00	2.03	4.01	5.01	6.00	6.00	4.01	6.00	6.00	6.00	5.01
	Express rate.....	4.93	4.95	5.13	4.75	1.90	3.38	4.40	4.65	4.70	3.58	4.68	4.68	4.60	4.28
30. Seattle:	Kindel rate.....	4.03	3.53	4.03	4.03	1.53	2.53	3.53	3.53	3.53	2.53	3.53	3.53	3.53	3.03
	Parcel post rate..	3.02	2.03	4.01	3.02	4.01	3.02	1.04	1.04	2.03	3.02	2.03	3.02	1.04	1.04
	Express rate.....	1.33	1.18	1.48	1.20	3.40	2.10	.80	.85	1.05	2.03	1.00	1.95	.73	.98
31. St. Louis:	Kindel rate.....	2.03	1.53	2.53	2.03	3.03	2.03	1.03	1.03	1.53	2.03	1.53	2.03	1.03	1.03
	Parcel post rate..	3.02	3.02	4.01	3.02	3.02	3.02	2.03	2.03	2.03	3.02	2.03	4.01	2.03	2.03
	Express rate.....	1.35	1.75	1.95	1.60	2.70	2.03								

Pounds.	Local zone.	First zone, 150 miles.	Second zone, 150 to 400 miles.	Third zone, 400 to 700 miles.	Fourth zone, 700 to 1,050 miles.	Fifth zone, 1,050 to 1,450 miles.	Sixth zone, 1,450 to 1,900 miles.	Seventh zone, 1,900 to 2,400 miles.	Eighth zone, 2,400 miles and over.
1.	\$0.03	\$0.04	\$0.05	\$0.06	\$0.07	\$0.08	\$0.09	\$0.10	\$0.11
2.	.04	.05	.07	.09	.11	.13	.15	.17	.19
3.	.04	.06	.09	.12	.15	.18	.21	.24	.27
4.	.05	.07	.11	.15	.19	.23	.27	.31	.35
5.	.05	.08	.13	.18	.23	.28	.33	.38	.43
6.	.06	.09	.15	.21	.27	.33	.39	.45	.51
7.	.06	.10	.17	.24	.31	.38	.45	.52	.59
8.	.07	.11	.19	.27	.35	.43	.51	.59	.67
9.	.07	.12	.21	.30	.39	.48	.57	.66	.75
10.	.08	.13	.23	.33	.43	.53	.63	.73	.83
11.	.08	.14	.25	.36	.47	.58	.69	.80	.91
12.	.09	.15	.27	.39	.51	.63	.75	.87	.99
13.	.09	.16	.29	.42	.55	.68	.81	.94	1.07
14.	.10	.17	.31	.45	.59	.73	.87	1.01	1.15
15.	.10	.18	.33	.48	.63	.78	.93	1.08	1.23
16.	.11	.19	.35	.51	.67	.83	.99	1.15	1.31
17.	.11	.20	.37	.54	.71	.88	1.05	1.22	1.39
18.	.12	.21	.39	.57	.75	.93	1.11	1.29	1.47
19.	.12	.22	.41	.60	.79	.98	1.17	1.36	1.55
20.	.13	.23	.43	.63	.83	1.03	1.23	1.43	1.63
21.	.13	.24	.45	.66	.87	1.08	1.29	1.50	1.71
22.	.14	.25	.47	.69	.91	1.13	1.35	1.57	1.79
23.	.14	.26	.49	.72	.95	1.18	1.41	1.64	1.87
24.	.15	.27	.51	.75	.99	1.23	1.47	1.71	1.95
25.	.15	.28	.53	.78	1.03	1.28	1.53	1.78	2.03
26.	.16	.29	.55	.81	1.07	1.33	1.59	1.85	2.11
27.	.16	.30	.57	.84	1.11	1.38	1.65	1.92	2.19
28.	.17	.31	.59	.87	1.15	1.43	1.71	1.99	2.27
29.	.17	.32	.61	.90	1.19	1.48	1.77	2.06	2.35
30.	.18	.33	.63	.93	1.23	1.53	1.83	2.13	2.43
31.	.18	.34	.65	.96	1.27	1.58	1.89	2.20	2.51
32.	.19	.35	.67	.99	1.31	1.63	1.95	2.27	2.59
33.	.19	.36	.69	1.02	1.35	1.68	2.01	2.34	2.67
34.	.20	.37	.71	1.05	1.39	1.73	2.07	2.41	2.75
35.	.20	.38	.73	1.08	1.43	1.78	2.13	2.48	2.83
36.	.21	.39	.75	1.11	1.47	1.83	2.19	2.55	2.91
37.	.21	.40	.77	1.14	1.51	1.88	2.25	2.62	2.99
38.	.22	.41	.79	1.17	1.55	1.93	2.31	2.69	3.07
39.	.22	.42	.81	1.20	1.59	1.98	2.37	2.76	3.15
40.	.23	.43	.83	1.23	1.63	2.03	2.43	2.83	3.23
41.	.23	.44	.85	1.26	1.67	2.08	2.49	2.90	3.31
42.	.24	.45	.87	1.29	1.71	2.13	2.55	2.97	3.39
43.	.24	.46	.89	1.32	1.75	2.18	2.61	3.04	3.47
44.	.25	.47	.91	1.35	1.79	2.23	2.67	3.11	3.55
45.	.25	.48	.93	1.38	1.83	2.28	2.73	3.18	3.63
46.	.26	.49	.95	1.41	1.87	2.33	2.79	3.25	3.71
47.	.26	.50	.97	1.44	1.91	2.38	2.85	3.32	3.79
48.	.27	.51	.99	1.47					

The rate is found by multiplying the pounds by the zone and adding 3, the overhead charge, except in the local zone, where the rate is found by dividing the weight in pounds by 2 and adding 3. Thus the rate on 10 pounds in the local zone is $10 \div 2 = 5 + 3 = 8$. Fractions are disregarded. The rate on 10 pounds to the eighth zone is $10 \times 8 = 80 + 3 = 83$.

The weight limit to be extended to 150-mile zone to 100 pounds.

The ounce rates to be $\frac{1}{2}$ cent per ounce until the pound rate is reached, when the pound rate shall apply.

All food products should take 25 per cent less rate than merchandise, which is now the rule of express companies.

For packages of unusual or excessive dimensions the charge shall be made upon a basis of 10 pounds per cubic foot.

[illegible]

From their German plant Lord & Taylor can post 11 pounds of merchandise as far as San Francisco for 81 cents, while from the New York plant the tax or rate on parcels posted to San Francisco is \$1.32, in other words, 50 per cent more from New York than from Germany. Surely, this does not speak well for American ingenuity and enterprise in our Post Office Department.

Much has been published of late so that the idea is prevalent, as I illustrate by the letters sent me by my townsman, that the parcel post was destroying the express companies, and in proof of that they point to the dissolution of the United States Express Co. If the public but knew the inside of this dissolution they would spare their pity for a worthier cause.

First, I will treat this subject from the economic viewpoint. In my own city of Denver we had about 6 express companies operating, one of which was the United States Express Co. I do not believe that at any time there has been enough express business in my city of Denver, excepting during the holiday season, to give any one express company, if they had all of the business, a hot box. Therefore, from the economic point of view there should be less express companies, less overhead charges, less duplication, and so forth.

The real reason for a dissolution of the United States Express Co. is that for years the United States Express Co. had a contract with the United States Government, under which all the funds were carried from place to place on a stipulated contract that the regular rates should apply to Government business. The public generally is not aware that sworn evidence has been before the Attorney General for some years, and is being pressed for investigation, and now on the eve of this exposure the United States Express Co. has taken time by the forelock, and like ether would disappear, so that there will be nothing tangible to attack or collect from the overcharges which amount to millions of dollars that have been fleeced from our Government. The public generally does not know that there was a side contract between the Adams Express Co. and the United States Express Co. which monopolize the Government business in a manner so that none other could compete, and in violation of the law.

My resolution, House resolution 569, of July 14, 1914, now before the Judiciary Committee, reads as follows:

Resolution.

Whereas the United States Government is now calling for bids from express companies for the purpose of transporting Government funds; and

Whereas a monopoly has existed for 20 years, enjoyed by certain express companies; and

Whereas certain blue-print copies of contracts between certain express companies have been furnished to the United States Government more than a year ago; and

Whereas no action is known to have been taken to compel restitution by said companies: Therefore be it

Resolved, That the Attorney General be, and he is hereby, directed to inform the House of Representatives whether the Department of Justice has in contemplation any action for compelling the United States and Adams Express Cos. to refund to the United States Government any moneys collected in excess of rates charged to individual shippers.

To substantiate the charges I have presented the sworn evidence of a well-known citizen. I hope soon to bring about a thorough investigation and the recovery of the millions of overcharges that have been perpetrated on the Government on the transportation of funds, and so forth.

The competition of the parcel post beyond the second zone is so absurd that it becomes nothing more or less than a monopoly for the express company and a license for the Government to fleece the unsophisticated who are patronizing the parcel post beyond a 5-pound parcel and the second zone.

In a printed circular dated January 25, 1913, I sent broadcast my parcel-post graduate that, I believed, ought to be adopted, if no better was offered, with the following notation:

P. S.—This perfected graduate is dedicated to the Hon. Woodrow Wilson, our esteemed and learned President elect, whose aim and desire is to serve all the people, which stamps him a second Lincoln.

KINDLE.

I was inspired by all that I had read and heard of Mr. Wilson from the declarations made by the President before the election. I was in hopes that the country might depend upon him for wise and conservative action, and thus endeavor to promote legislation that would take into certain consideration the general welfare of the entire body of merchants, manufacturers, and laborers of the country; but regret to find that the tendencies that have thus far been shown are more scholastic than business-like, as is evidenced by this botch parcel post and the restrictive orders now prevailing in the coal fields of my State. Wherefore, I regret the loss of time that I could not convince him and the Democratic Party of its suicidal policy. Our President

is undoubtedly a good and well-meaning man, but it would have been a blessing to the country if he had had more business experience before he assumed the grave responsibility of the office with which he has been honored and which I took great delight to assist him in. It is but proper to say that on all but two propositions I have accepted Democratic advice and voted with them. What I have said here is not in the spirit of malice or unfriendliness, and I am only repeating in public what I have said in private repeatedly. I have no other ambition than to be right, and, if possible, to convince others of that fact.

In conclusion, I have been asked to explain some things relative to the charges made against me by my colleague, Mr. KEATING. I do not think it is necessary. I would rather adopt the method of our heroic and illustrious Speaker, who was assailed on the floor of the House several months ago, and which, in his becoming and dignified manner, he dismissed with a "S-h-o-o-f-l-y"; or, to quote a doggerel valentine rhyme:

Avaunt! thou snickering fop,
E'er nature made thee, she thought she would stop;
But having some useless scraps on hand,
These she baked, and thus we became annoyed by you—

And so forth.

But, better still, to apply to him a Spanish adage:

It is a waste of lather to shave an ass.

The SPEAKER. The gentleman from Maryland [Mr. LEWIS] is recognized for 30 minutes.

Mr. LEWIS of Maryland. Mr. Speaker, I have taken advantage of the patience of the House in the last two or three years so frequently on this subject that I do so this morning with considerable misgiving. I should not do so except at the suggestion of others, who think that the relation of the Postmaster General to this very interesting question should be fairly stated to the House.

First let me assure you that I do not think I know all about this subject. I am quite sure I do not. But there are some elements of the subject that are sufficiently dominant and segregated in character as to be capable of oral statement to this House, and with its patience I shall try to present them.

First, let me say that in the very nature of things the making of transportation rates is an administrative function. There may be individual Members of this House who can take the data of astronomy and figure out exactly when the next comet is going to approach some member of our solar system, but I am satisfied that as an aggregate body we would not be able to encompass such a mass of detail. The illustration fits the subject of transportation rates and transportation conditions. It is a subject that requires the expert attention of administrative talent, dealing with it not for a day or an hour, as we act in legislative matters, but giving prolonged attention, running from week to week and month to month, and, indeed, from year to year.

Now, the House parcel-post bill absolutely recognized this administrative principle, and gives the Postmaster General the power, with the approval of the Interstate Commerce Commission, to determine all the conditions of parcel-post traffic, the weight limit, the rates, the conditions of mailability, the zones, and every incident attached to the shipment of parcels. I believe you will agree that we have wisely left to administrative authority the disposition of this subject, requiring so much minutiae of attention.

Now, the question is, Has the Postmaster General acted with reason and with fair public spirit in the exercise of the power which Congress has given him? If my judgment is of any value, I should say that he has, and that he is entitled to the commendation of his country for his services in that respect, and not to criticism from any quarter. [Applause.]

Now, what is the business, the function, of the parcel post? Clearly it is to move the potential traffic in parcels, in express matter. I mean by that any traffic that normally ought to move by express from consignor to consignee.

It is a mere truism to say that you ought to make the rate as low as you can in order to move that potential traffic; but it is just as much a truism to add that the Postmaster General would be guilty of a grave infraction of public duty if he were to make those rates lower than the cost of service. The parcel-post statute explicitly instructs him to make the rates adequate to pay the cost of service, and of course he would be under every impulse to make them as low as he can within the mandate of the law.

Now, what are the costs of service? Briefly speaking, you have two facts before you with reference to the cost of service. One of them is the payment of the railways for the service they render. When the House passed the parcel-post bill, its substi-

tute for the Bourne bill, it included in it a provision that the Postmaster General could go to the Interstate Commerce Commission and get the same rates of railway pay that the express companies have; that is, 50 per cent of the rate charged the express shipper, but unfortunately, in my opinion, that clause was stricken out in conference at the request of the Senate conferees. That leaves the Postmaster General helpless under the law. He has to take an old statute that was passed for the payment of the railways for carrying the mails, letters, and papers, and not naturally applicable to the parcel or express traffic; and finding what it costs to move a pound of letters, a pound of papers, and the like, for 200 miles the Postmaster General had to load his parcel rates at a cent a pound for each 200 miles to pay the railways for the movement of such parcels.

Let me repeat this: Now, the Post Office has found that under the present railway mail pay laws it costs 10 cents a ton-mile for the movement of mail matter, which includes parcels. That is equivalent to 1 cent a pound for every 200 miles the pound moves. When, therefore, he is making a rate for 100 pounds that is going to move 200 miles or within a zone of that range, he must add \$1 to that rate for the mere purpose of paying the railways. He is using this old railway postal pay law, the only one he has, and he is doing the best he can under the circumstances.

Now, the express makes its own rates, and pays the railway one-half of the rate. But let us see what that means. It means various things. On the very short journey from here to Baltimore the express company charges 21 cents for a parcel of 5 pounds. That is its minimum rate. Half of that sum, or 10 cents, it pays to the railways. That 10 cents actually for a 40-mile journey amounts to a dollar a ton-mile, paid by the express company to the railway. But in that particular instance, it so happens that our old postal railway mail pay law works beautifully for the Government. The parcel-post rate is 7 cents for 5 pounds from here to Baltimore. We pay out of that 7 cents just 1 cent to the railroad under that law, or 9 cents less than the express companies have to pay on that particular shipment. That is one extreme, and I am using extremes for the purpose of illustrative clarity. Now, take the other extreme. Here is a package of 100 pounds moving from Baltimore to San Francisco. On that shipment the express rate is \$10.50. The railroads get half of that, or about \$5. That works out about 3 cents a ton-mile, or less than one-thirtieth of the ton-mile rate on the 5-pound express shipment from Washington to Baltimore.

Meanwhile on our postal 100-pound shipment, when the weight limit reaches that point, we shall have to pay under the present railway pay law \$15 to the railways, or three times what the express company pays the railways in that instance. Of course a great noise can be made about these inconsistencies, but actually nobody is to blame. The railway mail pay law provides rates that were adapted to the movement of letters and papers, was passed years ago, and has its roots away back in the history of the subject. The rates of pay that the express companies give the railways have their roots away back in the history of express railway contracts. In any voluntary sense neither the Government, the railways, nor the express companies are to blame for these inconsistencies. You simply have a set of traffic conditions before you that requires readjustment to a new system. Now, obviously anybody can see that the thing that requires adjustment in the parcel-post rates is the payment the Government has to make to the railways for carrying these express parcels.

We have had a commission on that subject for a year and a half; and if they have not yet made a formal report, they have at least agreed upon the principle of the report. The Moon bill represents the principle of that report and is pending before this House, and will be reached for discussion to-morrow. Under that measure readjustment of postal railroad pay will be made, and then the Postmaster General will be able to make parcel-post rates, with the approval of the Interstate Commerce Commission, on terms of payments to the railways of rates as reasonable as those of express companies.

There is no occasion for maligning the present conditions. As long as we have to pay the railways these relatively high rates on long distances and heavy weights, we can not have a long-distance or heavy-weight parcel post. Having to pay but very little on short distances and small weights, we have now, gentlemen of the House, a tremendously efficient little-parcel post. It means this in effect: We have got a 150-mile parcel post up to about 20 pounds, a 10-pound parcel post up to 300 miles, and we have a 5-pound parcel post good for the whole country.

When the railway mail pay conditions are adjusted we shall be able to make rates as good, at least, as the express companies for all weights and distances, and then I trust that the ideal with which I started out in this work, namely, a complete system of postal express, will be finally realized.

I am going to give you now some of the economic reasons that justify a complete postal-express system. A census of the parcel post taken for the Post Office Department in April last, the third census that has been taken—and let me say parenthetically that the Postmaster General and the Post Office Department know more about our parcel-post activities from these censuses than any other country in the world—this census shows that the flow of the traffic in April last was at the rate of about 250,000,000 parcels a year; that is, counting the parcels from 1 pound and up and ignoring the smaller weights as belonging to the old business. Two hundred and fifty million parcels mean two and one-half per capita. In Germany the parcel post amounts to a little over four per capita, but it is an older system and the rates have been worked out to better adjustment. In Switzerland the parcel post has actually attained a traffic of eight parcels per capita; and so we can take the experience of that country as indicating what we are likely to have here.

Mr. MANN. I did not quite catch the figures which the gentleman gave as to this country.

Mr. LEWIS of Maryland. Two hundred and fifty million parcels per year, or about two and a half per capita. That is, if the two weeks of April traffic can be taken as indicative of the entire year.

One remarkable thing about the 250,000,000 parcels ought not to go without observation. About 75,000,000 of them have been taken from the express traffic, as nearly as we can judge. The other 175,000,000 parcels have been absolutely created by the parcel-post rates and increased weight limits which Mr. Burleson has inaugurated and to the present state of high efficiency which the parcel post has attained under his management. In short, there are 175,000,000 parcels moved annually in this country now that were penalized out of existence by the inefficient and ill-adapted express rates that formerly obtained, and for 40 years in this country, due to the neglect of our statesmanship, a magnificent service like that has been denied to the people.

Another thing that we learn about the parcel post is very interesting. None of us, I think, fully realize that even before we passed the parcel-post law our postal system was the greatest express agency on earth. In 1912 it moved some eighteen billions of express shipments. I mean the letter, paper, and average mail pieces. For every one of them is an express shipment in all its incidents, except the matter of weight. It requires a consignor and consignee; it requires a rate; and it requires locomotive service and all the acts of attention that express shipments receive, barring a few minor ones. Therefore when the Postal Establishment lifted the prohibitive conditions of weight limit and irrational rates and admitted to the mail parcels now moving it was but adding another shelf to its mammoth express establishment. Now, the effect of that is this: We are handling the parcel to-day, barring the cost of railway pay, at a cost of about 5 cents a piece from 3 pounds up. The 1 and 2 pound parcels cost less, because they do not have to go on the delivery wagon. The parcel averaging about 4 pounds and up we are handling for less than 5 cents. What is the express company's experience? Its experience is that its parcel is 33 pounds in average weight, and that it costs about 24 cents to handle it, barring the cost of railway pay. Now, that means if we add the collection service to our delivery service and such other facilities as the express companies give, we can handle the express parcel at less than 15 cents per parcel, while the express companies pay some 24 cents, or half their receipts. The express revenues, after they pay the railway this year, are about \$78,000,000. There can be no question, I can say with the confidence of a student on this subject, that this mammoth Postal Establishment, as the greatest express agency on earth, can take the whole express business at rates that now obtain and clear from thirty to forty million dollars as an annual surplus by its superior economic efficiency in handling the parcels. We are entitled morally, as well as on economic grounds, to the whole express business. We have more than a million miles of rural route, and can thus give a service that the express companies can never give.

We can handle the shipments for one-half of the cost that the individually organized express companies can handle them. Meanwhile we are suffering a loss of some \$35,000,000 a year on the rural routes, maintaining a million miles of express transportation structure, and on ethical grounds, besides the

economic grounds, we are entitled to the whole express traffic, to make good on the rails the losses suffered in service to people on the rural routes of the country.

A word or two now about the Postmaster General and parcel-post development. I regret that I am not his spokesman upon this floor. I believe, however, that he has stated to the public that his purpose is, when conditions of railway pay are adjusted, to lift the weight limit to 100 pounds and then make rates that will move the traffic; that is, make rates that are at least as good as the rates made by the express companies of the country. In that event we shall practically have included in the postal establishment the whole express transportation system. I have a great deal of admiration for the Postmaster General, in one respect especially. The postal establishment employs 300,000 men. Its revenues will be something like \$300,000,000 in the coming year. It is very rare that you get a Postmaster General who is not afraid of his great horse; afraid to make changes, afraid to make progress, afraid to try out those innovations that even the most absolute science and common sense would suggest. It is from that circumstance, that weakness of human nature, that we derive the inertia of big institutions, an inertia, however, that inheres in big private establishments with nearly the same force that it does in Government institutions. Be it said for Albert Burleson, the Postmaster General of the United States, that he is not afraid of his horse. Be it said for him, too, that he is not proceeding in this matter with the idea of bankrupting the Treasury of the United States. He has wiped out the postal deficit and secured a substantial surplus.

If the rates were made that he has been asked to make, he would bankrupt the Treasury, sure and clean. If a rate of 9 cents a pound at this moment were made from coast to coast on traffic that is costing us up to 15 cents a pound for railway pay alone, I need not tell you the consequence of folly like that.

Mr. HULINGS. Mr. Speaker, will the gentleman permit an interruption?

Mr. LEWIS of Maryland. Certainly.

Mr. HULINGS. If it is true that the Government can do this service at less price than the express companies, why, then, should not the rates for the service be as low as the express company rates?

Mr. LEWIS of Maryland. They are as low.

Mr. HULINGS. In some places only.

Mr. LEWIS of Maryland. Yes.

Mr. HULINGS. In the small parcels.

Mr. LEWIS of Maryland. But when you come to the longer distances and higher weights, the loading for railway pay, which is a cent a pound more for every 200 miles, makes that rate what you find it to be, much higher than the express rate—

Mr. HULINGS. What reason is there that the United States Government can not get its freight hauled at the same price that the express companies do?

Mr. LEWIS of Maryland. Because we have a statute which provides a specific rate of pay to the railways for carrying the mails, and we are carrying the parcels under that statute. Judge Moon, of Tennessee, has a bill which will be up for consideration to-morrow, intending to meet those conditions.

Mr. MADDEN. And in any event it must be admitted that in order to adjust the rates so that they will be equitable we must take time.

Mr. LEWIS of Maryland. It takes time, plenty of time, and administrative talent as well.

With regard to the zones, you can have a thousand kinds of zones; they can be as numerous as the possibilities of the circle. Obviously one law of fact that the zones must respect is the matter of cost, and zones made without reference to the law of cost would be erroneously made and bring disaster upon the institution. You can draw any kind of circles on a piece of paper. A circle has something of occult suggestion in it, but the facts ought to write the law and determine the zones, and when the Interstate Commerce Commission had the question up with regard to express rates it did not draw any 9 or 10 circles at all, but it developed a rate structure, a lot more complex than that—a rate structure that was fitted to move the express traffic. If you have a jump of a cent a pound—that is, if you fashion your zones so large that your rate has a jump of a cent a pound with each zone—that means that on the hundred-pound parcels the rate has got a jump of \$1 per zone. Between two stations 5 or 6 miles apart you might have a difference of a dollar in the rate on the parcel; and so the Interstate Commerce Commission in working out the express-rate structure looked at the facts of express commerce, and the result is that the rate on the hundred pounds under the express tariffs jumps only 5

cents at a time. I think perhaps that is too minute; that the hundred-pound parcel could stand a jump of 25 cents for changing distances; but, at all events, Members here should be satisfied that all of this immense minutiae be worked out by the Postmaster General and the Interstate Commerce Commission, and that as a legislative body we are manifestly unfitted to encompass the vast detail essential to a sane result on that subject.

I thank the House for the patient attention it has given me. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment joint resolution and bill of the following titles:

H. J. Res. 314. Joint resolution for the relief, protection, and transportation of American citizens in Europe, and for other purposes; and

H. R. 11822. An act to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and customhouse in the city of Richmond, Va.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk proceeded to call the committees.

EXPENDITURES IN THE DEPARTMENT OF COMMERCE.

Mr. ROTHERMEL (when the Committee on Expenditures in the Department of Commerce was called). Mr. Speaker, I desire to present the report of the Committee on Expenditures in the Department of Commerce, being Report No. 500, and Calendar No. 87.

Mr. MANN. Mr. Speaker, I do not know what the gentleman desires, but the report was presented to the House on April 4, 1914, and has been printed. The gentleman can not now present it to the House.

The SPEAKER. There is not anything to do about it that the Chair knows of. Of course if any gentleman desires to call it up for discussion, that is another question.

Mr. ROTHERMEL. Then, Mr. Speaker, if there is nothing further to do, we will pass it.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 314. Joint resolution for the relief, protection, and transportation of American citizens in Europe, and for other purposes.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following House joint resolution:

H. J. Res. 314. Joint resolution for the relief, protection, and transportation of American citizens in Europe and for other purposes.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15959. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 11822. An act to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and customhouse in the city of Richmond, Va.;

H. R. 16345. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 17482. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6031. An act authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas.

REMOVAL OF THE BOTANIC GARDEN.

The SPEAKER. The Clerk will call the next committee.

Mr. SLAYDEN (when the Committee on the Library was called). Mr. Speaker, I would like to call up the bill H. R. 12796, which is Calendar No. 90, and put it on its passage.

The SPEAKER. The Clerk will report the bill.
The Clerk read as follows:

A bill (H. R. 12796) to provide for the removal of the Botanic Garden to Rock Creek Park and for the transfer of its control to the Department of Agriculture.

Mr. MANN. Mr. Speaker, this is on the Union Calendar.

The SPEAKER. This is a Union Calendar bill and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration, and the gentleman from Kentucky [Mr. JOHNSON] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12796, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk began the reading of the bill.

Mr. CLARK of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. I would like to know if the Clerk is now reading the bill for amendment?

The CHAIRMAN. It is being read for the first time.

The Clerk read as follows:

A bill (H. R. 12796) to provide for the removal of the Botanic Garden to Rock Creek Park and for its transfer to the control of the Department of Agriculture.

Be it enacted, etc., That for the purpose of establishing and maintaining a national arboretum and botanical garden in Rock Creek Park the Botanic Garden is hereby transferred from the direction and control of the Joint Committee on the Library to the direction and control of the Secretary of Agriculture, and he is authorized to remove to Rock Creek Park or otherwise dispose of the plants, structures, and all that pertain to the Botanic Garden in its present location, as he may deem proper.

Sec. 2. That so much of Rock Creek Park, not in excess of 400 acres, as may be needed for the purposes of an arboretum and botanical garden, not including the National Zoological Park, is hereby transferred from the joint direction and control of the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army to the direction and control of the Secretary of Agriculture.

Sec. 3. That the chairman of the Senate Committee on the Library and the chairman of the House Committee on the Library, and the Engineer Commissioner of the District of Columbia shall select and cause to be surveyed that portion of Rock Creek Park, not in excess of 400 acres, herein set apart for a botanic garden and arboretum.

Sec. 4. That all unexpended appropriations in relation to the Botanic Garden which shall be available at the time this act takes effect shall be available for expenditure for the transfer of the Botanic Garden to the new site and for other purposes incident to its removal and maintenance.

Sec. 5. That all laws or parts of laws not consistent with or that are repugnant to this act are hereby repealed.

Mr. SLAYDEN. Mr. Chairman, if any gentleman in the House wants an explanation of the bill and its purposes, or any statement of the reasons why the committee reached the conclusion that it did in its report and recommendation, I will be happy, to the best of my ability, to give it. I have been away for some time—

Mr. MOORE. Mr. Chairman, I have only had a chance to hear the bill read, but I observe there are 400 acres mentioned as being the probable area that would be required in Rock Creek Park.

Mr. SLAYDEN. My recollection is it says not more than 400 acres.

Mr. MOORE. Is any particular 400 acres in view?

Mr. SLAYDEN. Yes; Rock Creek Park has been investigated by a number of people connected with other branches of the Government; the Smithsonian Institution, the Department of Agriculture, and botanical experts from New York, Boston, and various places around, and the consensus of opinion seems to be that it should begin about one block west of Sixteenth Street, as I remember those streets, near the reservoir. There are open places now, where there are no trees, and with sufficient area to accommodate the plants, and there is an undulation which botanical experts say is desirable to have; running water, which they say we should have; elevation above the city, which is desirable; and a comparative remoteness from the gases that come from the burning of coal and things of that kind which are injurious to plants and plant life.

Mr. MOORE. This land already belongs to the District of Columbia?

Mr. SLAYDEN. Yes; there are about 1,600 or 1,800 acres in Rock Creek Park. If the gentleman from Pennsylvania will

permit me, this will not interfere with the park, but it will contribute to its beauty rather than detract from it, and it is not intended, of course, to make a garden, rectangular walks, and vitrified pavements, and things of that kind. Only so much of that will be done as is necessary for the convenience and use of the people who visit the park.

Mr. MOORE. Is the purchase of new land for this purpose contemplated?

Mr. SLAYDEN. No.

Mr. MOORE. We have had that question before, the gentleman understands.

Mr. SLAYDEN. There is nothing whatever of that sort contemplated.

Mr. MOORE. May I inquire for information as to the present jurisdiction in which the Botanic Garden finds itself?

Mr. SLAYDEN. It is in the jurisdiction of the Joint Committee on the Library, and they are relinquishing that prerogative.

Mr. MOORE. How are appropriations made?

Mr. SLAYDEN. Appropriations are made in one of the regular appropriation bills—the sundry civil appropriation, I think it is.

Mr. MOORE. To be visited by the Joint Committee on the Library?

Mr. SLAYDEN. No; we have nothing to do with that; we make no appropriations.

Mr. MOORE. The committee simply has jurisdiction over the present Botanic Garden?

Mr. SLAYDEN. Over legislation concerning it, and have executive control as it now exists. We appoint the superintendent and employees.

Mr. MOORE. The Committee on the Library desires to be relieved and have the responsibility placed on the Department of Agriculture?

Mr. SLAYDEN. The Joint Committee on the Library consists of patriots who are perfectly willing in the public interest to relinquish their control of the Botanic Garden.

Mr. STAFFORD. If the gentleman will permit, I would like to inquire as to the need of having any congressional representation on that board of managers. The gentleman is aware that the Department of Agriculture has agricultural experimental stations in the neighborhood of Washington, and will the gentleman favor us with the need of having the chairmen of the Committees on the Library of the Senate and House—

Mr. SLAYDEN. To what part of the bill does the gentleman from Wisconsin refer?

Mr. STAFFORD. To section 3.

Mr. SLAYDEN. Well, it is only for the purpose of selecting the site; that is all.

Mr. STAFFORD. Is there any need, even for that purpose, to have congressional representation?

Mr. SLAYDEN. The site could be selected, but it is desirable that Congress should have a voice in the selection of it rather than turn it absolutely and completely over to the executive officers. There is some little jealousy with regard to the privileges of Congress, and certainly no harm can come from it, and there should be some representation of this body.

Mr. STAFFORD. Another query I would like to propound is as to whether the gentleman has any acquaintance with national botanic gardens in foreign countries?

Mr. SLAYDEN. Yes; I can give the gentleman some information.

Mr. STAFFORD. I understand it is proposed to increase to a large extent the present Botanic Garden.

Mr. SLAYDEN. Yes; I can give the gentleman the information he wants. The Royal Botanic Garden at Kew, London, contains 260 acres. I will give the gentleman the larger ones: The Dutch garden at Batavia, in Java—the Buitenzorg—has 336 acres. It belongs to the General Government. The Arnold Arboretum, in Boston, which is under control of the Harvard University and city of Boston, has 220 acres, the Bussey Farm, in Massachusetts, has 394 acres, and the New York Botanical Garden has 250 acres. If the gentleman desires, here is information given in detail as to practically all the botanical gardens in the world.

Mr. STAFFORD. Some of those the gentleman has mentioned are under the control of private institutions. The Bussey institution is under the control of Harvard University. I question whether there is any Government that has such a large space dedicated to this special work as that which we are now proposing to establish in Rock Creek Park.

Mr. SLAYDEN. I do not think there are any that have so large an acreage.

Mr. STAFFORD. I was surprised at the report of the gentleman that it would not involve any larger expenditures than now exist for any botanical garden.

Mr. SLAYDEN. I said it made no provision for the purchase of land, but the gentleman must understand that if the Botanic Garden develops, if it expands in its work, if it becomes the educative institution which we think it possibly may come to be and desirable that it should become, naturally the moderate expenditures which have heretofore been made in connection with the work will be increased. Everybody knows that this so-called Botanic Garden down here is a travesty, really, on the name of botanical garden; and although there would be some increase in expenditures from time to time, yet they would not be great. The appropriations are small now, and they will continue small.

Mr. CAMPBELL. Why was Rock Creek Park selected as a place to which this Botanic Garden was to be removed?

Mr. SLAYDEN. First, in the order of the reasons, I am going to mention that it involves no appropriation for ground. Secondly, it meets the conditions which the director in chief of the New York Botanical Garden, who is highly trained in the work and qualified to pass upon it as an expert, says we should have in order to have a desirable botanical garden.

Pardon me for saying in that connection to my friend from Wisconsin [Mr. STAFFORD] that the idea in fixing the area at so much of 400 acres as may be necessary, but not in excess of that amount, was with a view of the ultimate growth of the garden.

Now, if the gentleman will pardon me one moment, I will tell him what are the conditions that this expert says should obtain:

First, a reasonable accessibility from the city, either by existing transportation lines or lines to be established.

Now, there is a car line that goes to the park for one fare, and six tickets for 25 cents, that is one or two blocks removed. I am told that another line will go near there on the other side of the ground if this bill passes.

Second, a sufficient distance from the center of the city to insure reasonable freedom from smoke and the gases of combustion. This is especially important in case bituminous coals are likely to be used in any considerable amount in a city.

Third, diversified soil conditions and diversified exposures, an undulating district being more desirable than a plain. Certain portions of the area should have deep soil, while in other portions the soil should be light, and either a natural or an artificial water system should be included.

Now, there are running streams and springs on these grounds. It is easy to get these things.

The idea of this recommendation is to provide as many different natural conditions as possible. An area of natural woodland is very desirable as supplying a place for wild flowers which do not respond readily to cultivation.

You have the area of woodland there, and, operating an arboretum in connection with it, there is abundant opportunity for cultivation of trees.

Fourth, the practicability of supplying an irrigation system under pressure sufficient to reach the roofs of the highest greenhouses constructed, and to provide the possibility of hosing plantations in times of drought should be considered.

Now, I am not certain, as that is a question to be determined by level, that that condition obtains, although I am told it does.

Fifth, as to the acreage to be included, that would depend on the scope of the institution. If, as is certainly most desirable, a considerable number of trees are to be grown as an arboretum the area can not very well be too large, and I should think it might properly run up to 1,000 acres; if only a few trees are to be grown, the area required would naturally be very much less.

I will say to the gentleman from Kansas in that connection, Mr. Chairman, that in all human probability those officials who have charge of the park now, and who will have charge of the park hereafter, except in the event this bill passes, certainly would not object to having the waste and vacant places planted with desirable trees, trees that are ornamental, and will add to the beauty of the park, and that will be a part of the work of the Botanic Garden, although the land is to be controlled by another party.

In order, however, to give elasticity to the institution in the future I think it desirable to provide as much land as possible at the outset, even if it should not be completely developed for many years.

Some members of the committee were urged to recommend that a much larger area should be included.

Mr. CAMPBELL. What area do you contemplate now?

Mr. SLAYDEN. An area not in excess of 400 acres.

Mr. CAMPBELL. Now, I have been over Rock Creek Park. I think it is one of the greatest parks in the world; but it

never occurred to me that it was a good place in which to make a botanical garden.

Mr. SLAYDEN. I will say to my friend from Kansas that he differs from gentlemen who are engaged in botanical garden work in the home city of my friend from Massachusetts [Mr. THACHER], and New York and other places.

Mr. THACHER. Will the gentleman from Kansas tell me, please, if he has been out in this part of the park which it is proposed to take for the Botanic Garden, namely, that section at the reservoir?

Mr. CAMPBELL. I have been over Rock Creek Park many times.

Mr. THACHER. The gentleman knows as well as I do that in this end, near the Zoological Garden, it would not be a very suitable place for a botanical garden.

Mr. CAMPBELL. Where would you pick out any 400 acres that would be suitable as the park is now?

Mr. MANN. Will the gentleman yield so as to clear up a misapprehension? While the bill says, "not to exceed 400 acres," of course, it is not intended to use 400 acres in a botanical garden, but to use the spaces that are not now covered by forest, in between those wooded pieces, for botanical garden purposes, without interfering with the wooded portions that are there now.

Mr. THACHER. Certainly.

Mr. MANN. Of course that is a larger area than would be actually cultivated as a botanical garden.

Mr. CAMPBELL. And that would spoil Rock Creek Park as a park, would it not?

Mr. MANN. No; it would really be the making of Rock Creek Park.

Mr. THACHER. I do not think Members of Congress would for a moment want to spoil the beautiful conditions of Rock Creek Park.

Mr. CAMPBELL. In my opinion you would have a conflict at once between the authorities governing the park, the District Commissioners, and the management of the garden.

Mr. SLAYDEN. No; the gentleman is wrong about that.

Mr. CAMPBELL. You would if you occupied every available space.

Mr. SLAYDEN. No; besides it will not occupy all the available space.

Mr. CAMPBELL. The gentleman from Illinois [Mr. MANN] referred to the available spaces being occupied.

Mr. MANN. I can explain that to the gentleman from Kansas.

Mr. SLAYDEN. The Botanic Garden, if located in Rock Creek Park, will be under the control of the Department of Agriculture.

Mr. CAMPBELL. I will ask the gentleman from Texas [Mr. SLAYDEN] if there will be an opportunity to discuss this bill? He will not move the previous question?

Mr. SLAYDEN. Not within a reasonable time.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. SIMS. I will say that I had an opportunity recently, and availed myself of it, of examining the area of country which is contemplated to be used for this Botanic Garden in the park. It is the far western or northern end of the park, where there is practically no improvement now.

Mr. SLAYDEN. None.

Mr. SIMS. So that if it is to be improved as a park it would call for the expenditure of a large amount of money, whereas this expenditure for the Botanic Garden will save the expense that would otherwise be incurred if improved as a park, and would in no way conflict with the general park purposes and plans for Rock Creek Park, and there would be ample area, and the project wise and advisable.

Why should we move the garden now? The reason is, because it is located where there is not a sufficient area. Why not take that tract of 400 acres and use it when needed, and thus save the expense of improving it as a park that is not now improved, and of acquiring a similar area somewhere else that will have to be improved for park purposes at even greater expense?

Mr. SLAYDEN. Yes; it would have to be improved for park purpose at much greater expense.

Mr. SIMS. That is already public property, and we do not have to condemn it. It is not private property, where men are paid \$50 a day to swear as to what it is worth. [Laughter.] I think by all means this garden should be located upon public property that we already own, and I know of no place, so far as I am qualified to judge of such matters, that is better suited for such a purpose than the section of the country that the gentleman from Texas refers to.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Yes; I yield to the gentleman from Pennsylvania.

Mr. MOORE. I wanted to ask the gentleman from Tennessee [Mr. Sims] a question. The gentleman from Tennessee is an authority on tracts of 400 acres around Rock Creek Park. I was interested to know if this proposition has anything to do with an immediate purchase of new ground?

Mr. SIMS. If we locate it on private property elsewhere, we will have to buy it. We are under no obligation to put this garden on private property when we have an abundance of public property, as stated by the gentleman from Texas, which will have to be improved as a park. But the improvement of the Botanic Garden would be made under this plan upon property that we now own.

Mr. MOORE. The gentleman from Tennessee knows more about 400-acre tracts in the vicinity of Rock Creek Park than anybody else, and I was naturally interested in asking him the question.

Mr. SIMS. The gentleman compliments me beyond my deserts. I looked over this land recently in company with the gentleman from Missouri [Mr. Bartholdt], and looked over that part of the park that has not yet been improved.

Mr. MOORE. I swear by the gentleman's opinion on such matters, and I simply wanted to get his statement. Is the gentleman satisfied that the 400-acre tract referred to in this report does not involve the purchase of new ground?

Mr. SIMS. It does not.

Mr. SLAYDEN. Mr. Chairman, I have gone over the maps with the engineer commissioner and other gentlemen in connection with it. This land is in the northwest corner of the park, in practically an undeveloped part of it; and if the gentleman will pardon me just a second, I will say that the only argument that I ever heard used against this is that the artificial planting and artificial development of trees and shrubbery in connection with the Botanic Garden will interfere with the natural aspect of the park. There are areas and pieces of ground which are practically fitted for nothing except for the planting of trees and plants. It is not intended to cut down the trees, but to increase the number and variety of the trees, and to add to the beauty of Rock Creek Park.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Iowa?

Mr. SLAYDEN. Yes.

Mr. TOWNER. The 400-acre tract which it is contemplated to divert from park purposes for the Botanic Garden consists now of open spaces and partially open spaces and groups of trees. It is not expected, is it, that in the development of the Botanic Garden the groups of trees or little groves in those spaces will be changed, or that they will need to be changed, I will ask the gentleman?

Mr. SLAYDEN. That is true.

Mr. TOWNER. The open spaces may be used as they may be needed for Botanic Garden purposes?

Mr. SLAYDEN. Yes; for planting.

Mr. TOWNER. It will not change the general appearance of the park?

Mr. SLAYDEN. It will change it only for the better.

Mr. TOWNER. It will be a fuller development and really an extension of the uses of the park without changing the purposes?

Mr. SLAYDEN. Undoubtedly; and no restriction would be imposed on the public. It is only a contribution to the interest and beauty of the park and to the education of the people who may get into and enjoy the park.

Now, Mr. Chairman, if no other gentleman desires to speak—

Mr. HOWARD. Mr. Chairman, if the gentleman yields the floor, I would like to be recognized in my own time.

The CHAIRMAN. Does the gentleman from Texas yield the floor?

Mr. SLAYDEN. I had not yielded it, Mr. Chairman.

Mr. HOWARD. I thought the gentleman had.

Mr. SLAYDEN. How much time does the gentleman want to use?

Mr. HOWARD. There are several gentlemen here who are opposed to the bill, and I think we would like to consume an hour. I do not think it is necessary for us to go off halfcocked about this matter.

Mr. SLAYDEN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. SLAYDEN] reserves the balance of his time.

Mr. SLAYDEN. Mr. Chairman, before my friend from Georgia [Mr. HOWARD] takes the floor, I will ask him to yield to his colleague [Mr. TRIBBLE] in order that he may ask leave to extend his remarks in the RECORD.

Mr. HOWARD. Very well.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. TRIBBLE. Mr. Chairman, owing to the fact that certain papers have misrepresented and misquoted my remarks on naval chaplains, created with rank of captain, I embrace this opportunity to correct such misrepresentations. I am quoted as saying that "this Nation pays from the Public Treasury for a chaplain to conduct what thousands of taxpayers believe to be an idolatrous worship." I am also quoted as saying certain churches have too many chaplains. I made no such statements, nor did I say anything to authorize such inference. My answer to these incorrect statements is the speech itself. These papers have clouded the issue by discussing church and denominational questions. It is not a church or denominational question. The real and only issue involves the very fundamental principle of constitutional liberty and one upon which all churches, Protestant and Catholic, should meet in perfect harmony. Having been misrepresented, I shall republish my remarks on chaplains for distribution.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] is recognized for one hour.

Mr. HOWARD. Mr. Chairman and gentlemen of the House, I am opposed to this bill with the present light before me. I am opposed to moving this garden at all.

I have been reliably informed that for years there has been a heated internal contest on in Washington between two sets of real estate owners—those who live out Massachusetts Avenue, who have been insistent upon this garden being removed there, and those who live out Sixteenth Street, who have been insistent upon its being moved out to that section of the city. Incidentally the removal of this garden to either section, with large appropriations by the Government yearly expended upon it, would naturally enhance the value of the real estate in these particular sections.

This particular garden is one of the few relics left that Congress has any control over whatever. The Library Committees of the House and Senate, as I understand it, have jurisdiction over this particular garden. The years of improvements and the money that has been expended upon it have greatly beautified it, but since the agitation has been so heated in the city of Washington for the removal of this garden for financial aggrandizement the appropriations to this particular garden have been neglected. Ever since the magnificent monument to the memory of Gen. Grant was begun to be erected down there it has been understood by people in Washington that some day in the very near future this botanical garden would be abandoned, and that then the Government of the United States would build a boulevard, and I understand they have been so bold as to draw plans and specifications for the Government expending the people's money on a 90-foot boulevard, with Grant's monument to be at one end of it and the Lincoln Memorial, now in process of construction, at the other end. In taking in the magnificent 90-foot boulevard these real estate owners of Washington will get their hands up to their elbows again in the Public Treasury in that the Government will purchase a whole lot of unprofitable real estate down here in the southwest, for which these real estate owners will ask this Government hundreds of thousands of dollars.

In addition to that it is proposed to go out here to magnificent Rock Creek Park and appropriate 400 acres of that park for a botanical garden. I presume the city of Washington is visited by more people in a year from the several States of the Union than any other five cities in the United States. People come here to look at our magnificent buildings, to see their Representatives and their Senators actually upon the job; and I am very sorry that during the heated season they have missed a great many of their Representatives and their Senators who have not been actually on the job. But these visitors come here. They are proud of this city. But when they come they want to see something. They want to see it within a given time. They want to see it in the least possible time, because it is expensive to stay here in Washington. So when they come—

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HOWARD. Yes.

Mr. COOPER. Has the gentleman ever seen an intelligent visitor come to Washington and go to the present little old Botanic Garden, so called, at the foot of this hill, and come away from it without laughing at it?

Mr. HOWARD. I do not think I have ever come into contact with anybody who has really visited the present Botanic Garden.

Mr. THACHER. You never will.

Mr. HOWARD. And the reason they have never visited it is because of the fact, I am almost tempted to say, that I believe there has been premeditated action to detract from the present Botanic Garden as much as possible, for the purpose of using the very argument that the distinguished gentleman from Wisconsin [Mr. COOPER] has just used as to why it should be moved.

Mr. MANN. Will the gentleman yield for a question?

Mr. HOWARD. Yes.

Mr. MANN. Does the gentleman ever visit the Botanic Garden?

Mr. HOWARD. Very often. I come by there every morning that the sun shines. I came by it every morning last week.

Mr. MANN. On the street car?

Mr. HOWARD. No; not on the street car.

Mr. MANN. Is the gentleman proud of it when he visits it?

Mr. HOWARD. No; I am ashamed of it; and I am ashamed that adequate appropriations have not been made to make that one of the most beautiful spots in Washington.

Mr. MANN. The gentleman says it has been allowed to run down. Did the gentleman visit it before it ran down?

Mr. HOWARD. I visited it in 1894-95. I was engaged in certain work in Washington. It was a beautiful place then. Old Mr. Smith was there then, younger than he was when he died by a considerable number of years, and he kept it up.

Mr. MANN. If the gentleman will permit, the Botanic Garden is in just as good a state now as it has been since I have been a Member of Congress, and that is now nearly 18 years.

Mr. HOWARD. The poor inanimate earth and plants are not responsible for that. You gentlemen who have suffered it to deteriorate through lack of adequate appropriations are responsible for that.

Mr. MANN. There is no way for spending much money down there.

Mr. HOWARD. Oh, I could spend several thousands of dollars in a few weeks, and it would be perfectly satisfactory to my constituents, and they would think it was the most beautiful garden they ever saw after it had been expended.

Mr. MANN. The gentleman knows that in order to spend the money which is now appropriated they give a graft of plants to various Members of Congress. A discriminating Member of Congress will not use them ordinarily.

Mr. HOWARD. In the first place, they have not got a single house under glass down there that is respectable. Now, I know that adequate appropriations could have relieved that situation.

Mr. MANN. They have a number of houses under glass.

Mr. HOWARD. They have got enough acreage down there to spend as much money on as my constituents or the constituents of any other man on the floor of this House want spent upon a botanical garden.

Now, Mr. Chairman, let me tell you what the situation is here. I have been here some time. When I came here to Congress it was not the first time I had been in Washington. I used to live here years ago. I know something about Washington, and I know something about internal affairs here. The truth of the business is, as far as appropriations are concerned, that with the exception of a few parks the bulk of the appropriations that are being made by Congress to-day are going to Potomac Park and Rock Creek Park. Now, let us see. We will take Potomac Park. How many poor mothers in the city of Washington, who can not afford an automobile or a conveyance, can take a little teething baby that is burning up with fever in the heated season to Potomac Park to take advantage of the cool breezes and the shade of that park?

Nobody goes to that park who can not afford an automobile. It is too inaccessible to walk to it. Nobody goes to the park who does not know how to ride a jumping horse or play golf. What do the poor people of Washington benefit from Potomac Park? Not a penny. The night they had the fireworks down there thousands of poor people were there, and the rain came up, and those who had automobiles were able to pull down the curtains and raise the cover, and they did not get wet; but 50,000 poor devils like myself were drenched to the skin, because there was no public conveyance to take them home.

Mr. MANN. Will the gentleman yield for a question?

Mr. HOWARD. With pleasure.

Mr. MANN. Did the gentleman say that they had fireworks down at Potomac Park?

Mr. HOWARD. Yes; down near Washington Monument.

Mr. MANN. If 50,000 people were able to get there, could not the poor mother with her teething baby go there?

Mr. HOWARD. Yes; if she was able to walk. After being up all night with the teething baby she feels like walking a mile and a half to get down there, or walking to the end of Rock Creek Park, which is about 5 miles from the center of Washington City. Now, I am looking out for myself. I am not blessed with a great deal of wealth; it is all I can do to make both ends meet, or "one end meet the other bread" as is a common expression in my country. Now, when you get this moved to Rock Creek Park, instead of going afoot to show my constituents the Botanic Gardens I shall be held up by the automobile owners in order to take my constituents out to the park and show them this beautiful Botanic Garden that you are fixing up to spend the people's money on.

Now, I am going to make a prediction, and it will be in the Record, and it will stay there—that this particular removal will cost the taxpayers of this country by the manipulation of real-estate transactions, by the exorbitant and foolish expenditures for the garden in Rock Creek Park, for the purchase of additional real estate for the 90-foot highway—it is going to cost the people \$10,000,000 before they get through with it.

Mr. MANN. Make it a hundred millions.

Mr. HOWARD. If I made such rash statements as the gentleman from Illinois is in the habit of making, I would make it two hundred millions, but I want to be conservative. That is what I predict it will cost. Now, what are you going to do at Rock Creek Park?

Mr. MOORE. Will the gentleman yield?

Mr. HOWARD. I always yield with pleasure to the gentleman from Pennsylvania.

Mr. MOORE. I want to get back to the unfortunate mother with the teething baby. I know the gentleman is familiar with mothers and babies—

Mr. HOWARD. I am. I have walked a thousand miles with two of my babies in the nighttime.

Mr. MOORE. And I have walked 5,000 miles; so I am able to compliment the gentleman on his assiduity.

Mr. HOWARD. The gentleman from Pennsylvania shows that he has walked more miles than I have. He looks tired yet.

Mr. MOORE. But he is not. Now, how many mothers with teething babies go to the Botanic Garden to get the cooling breezes on an afternoon?

Mr. HOWARD. I was not referring to the Botanic Garden as being a place to go to to get the cooling breezes.

Mr. MOORE. Would that not be a convenient place for mothers with teething babies?

Mr. HOWARD. It would be for the poor foreigners in that section of the city, who live in the crowded sections around Pennsylvania Avenue.

Mr. MOORE. Do they use the Botanic Garden?

Mr. HOWARD. Yes; they go over there—those who want to. The difference between the Botanic Garden and Rock Creek Park is that the poor folks can go to the present one, and they never can go to Rock Creek Park, unless they walk 5 miles.

Mr. MOORE. Leaving out Atlanta, which of course is the most beautiful place—

Mr. HOWARD. Yes; we have located the gateposts of the Garden of Eden in the city of Atlanta.

Mr. MOORE. Leaving out Atlanta, which is the apple of the gentleman's eye, is it not a fact that Washington is possessed of more parks which answer for breathing places than any place in the country?

Mr. HOWARD. I agree with the gentleman, and that is the reason that we ought to keep this Botanic Garden. It is the very place for it. The gentleman from Pennsylvania knows very well that with an expenditure of a few thousand dollars on the Botanic Garden you can make it the most beautiful spot of its size in Washington. It ought to be converted into a real botanic garden, not for cultivation of the great, big trees such as my friend from Illinois likes to see spreading all over the country, to make beautiful shade, but a place for rare plants from the Tropics, rare shrubbery from all over the country, so that when people come here we can have a man in charge that could go down and pronounce the name half a foot long and show them a little persimmon-like bush with red leaves and tell them that it came from Ceylon, and let them open their eyes and wonder at the bright flowers and go away and talk about it. Now, you are going to put it out where nobody can enjoy it but Washingtonians.

Mr. Chairman, it does look like this Congress has done enough for these people here. It looks like you never can satisfy them. They are always wanting something else; they are always wanting more of the people's money expended on their plots to raid the Treasury. They always want something from Congress, and now they want to take this poor little old Botanic Garden away from us and move it out here into Rock Creek and spend piles of money on it. It is the only place that I know of that we have got left where we can go down and feel at home near the Capitol and show our people. I hope the bill will not pass; and I reserve the balance of my time.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. COOPER. Does the gentleman understand that with the removal of the Botanic Gardens, this little space at the foot of the hill, it is proposed to do away with that iron fence and brick wall?

Mr. HOWARD. Oh, yes; that was built when they had goats and cows running on the streets of Washington. They have a stock law here now, I understand.

Mr. COOPER. The gentleman understood that, and did the gentleman understand that it was proposed to make that into a little square, to be called Union Square, with seats in it, and so forth, so that these women and children for whom the gentleman seems to have such tender solicitude could go there at any time they pleased, night or day, which is not the case now with the Botanic Gardens, which are closed up usually at 6 o'clock in the evening, and the mothers with the teething children barred out absolutely? Moreover, there is no place for them to sit down there now. It is a garden, and they are not allowed to walk on the grass, not allowed to use it.

Mr. HOWARD. I hope my friend will ask me that question that he started out to ask.

Mr. COOPER. Does the gentleman understand that?

Mr. HOWARD. I understand that there are about 100 acres right across a 50-foot street that is already in the park, with plenty of seats in that space, and little squirrels to feed peanuts to, and robins to sing in the trees and fly down occasionally and catch a worm, and once in a while a little English sparrow to let out a discordant note. All of these things are right in the park now.

Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has used 16 minutes.

Mr. HOWARD. Mr. Chairman, I yield 15 minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Chairman, I am opposed to this bill for several reasons. In the first place, it is too important a matter for this House to pass upon without any more consideration than can be given to it at this time. In the second place, this bill provides for establishing a national arboretum and botanical garden in Rock Creek Park. That park has been set aside for park purposes, and no portion of it has been set aside for botanical-garden purposes, and should not be. The bill undertakes to transfer the situs of this Botanic Garden to Rock Creek Park without any provision for appropriations to carry it on, without a single solitary dollar to pay for the transfer of the Government property, to pay for clearing the land, or to pay for establishing the necessary appurtenances to a botanic garden. I want to say, Mr. Chairman, that if this garden should be transferred to that section, into absolutely new land, where the land is sour, where it necessarily has got to be treated, and treated at great expense, before the shrubs or plants and flowers and trees will grow as they ought to grow, it is going to cost this Government much more than my friend from Georgia stated to ever establish a real botanical garden at that place. In addition to that, as he has stated, it is some 3 or 4 miles from the center of this city. It is not accessible by the street railways, and the poor people of the city of Washington and the tourists who come here can only see it at an enormous expense, which they are either unable or unwilling to undergo.

Mr. Chairman, the Government owns land within a stone's throw of this Capitol, almost 150 acres, beautiful land, land which has been cultivated, which is ready now to receive the plants, the shrubs, and the flowers, with houses constructed upon it sufficient to answer the purpose of a residence for the superintendent and the laborers, land which is being devoted to nothing at all except a disgraceful workhouse, which is a disgrace to the Capital City of the United States. One hundred and fifty acres—lying broadside of the Eastern Branch—a beautiful place. It can be made much more beautiful and is ready right this minute for the reception of all of the plants and all of the shrubs and all of the flowers contained in the

Botanic Gardens. The street cars run within one block of this property. It is within easy walking distance of the Capitol. The tourist or the poor citizen of this District who desires to avail himself of the privilege of visiting this garden can either walk there or at a fare of 4 cents can ride there upon the street cars and have the benefit of it. But if you put this out at Rock Creek Park, then no man can take advantage of it unless he belongs to that wealthy class of the District of Columbia, the real estate gang, who have absolutely dominated every single, solitary public improvement in this city for years. They are the people, and the only people, who will get the benefit of this botanic garden if it is put in Rock Creek Park.

And I want to say again, Mr. Chairman, that this is the only time that I know anything about where Congress has ever had the privilege of locating in this city a single, solitary public improvement. We have delegated it to the Fine Arts Commission. They located the Lincoln Memorial. They located every improvement, and for the first time since I have been a Member of this body—nearly 10 years—Congress has now an opportunity to assert its own views and locate one public improvement in the city of Washington. We ought to have time to consider it. It is an important matter. It is a matter that means a great deal to my State, a great deal to all of the States of this Union, because the rarest plants of all the world are collected, propagated, and tested at this Botanic Garden. Nobody has had an opportunity to examine this bill; nobody has had an opportunity to consider it. No provision is made for the maintenance of this Botanic Garden at all under this bill—not a dollar—and I want to warn gentlemen that when they enter upon this enterprise it means the expenditure of millions of dollars if you intend to have a botanical garden commensurate with the reputation, the honor, and standing of this Republic. I want one which will be a credit to the city and a credit to the Nation. We have plenty of land upon which to put it. Down near the Agricultural Department there is plenty of land belonging to the Government, ripe and ready to receive this institution. We can put it there. Why go out to the Rock Creek Park to do it? Why put it beyond the reach of the average citizen of the District and the country?

Mr. Chairman, in behalf of the botanical interests of this country, in behalf of the poor people of this District and the poor people all over the land who visit this city, I protest against creating a garden for the sole benefit of the wealthy. Let us put it upon the land we own, that is ready to receive it, and where any man in all the country, no matter how poor he may be, can get the full benefit of it. [Applause.] I yield back the balance of my time.

The CHAIRMAN. The gentleman has used nine minutes.

Mr. THACHER. Mr. Chairman, the distinguished gentleman from Florida [Mr. CLARK], in his most interesting remarks, made two statements which I wish to correct. First of all he referred to this land in Rock Creek Park as being very sour. I wish to say that that land there is just as fertile and just as sweet as the speech of my distinguished friend from Florida. Furthermore, he stated that this land was miles away, and that the poor people, to whom my distinguished friend from Georgia [Mr. HOWARD] referred, could not get there, would not have the opportunity to get out there, because they would need automobiles. Heavens alive, they can get six tickets for a quarter. Can not these people afford to pay 4 cents to go out to the park and visit the Botanic Garden? I do not think that is a big price to pay.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. THACHER. Certainly.

Mr. HOWARD. Is it not contemplated to establish this park in the extreme northern—

Mr. THACHER. The northwestern end.

Mr. HOWARD. And will not that extreme northern end of Rock Creek Park be over a mile from the street car line?

Mr. THACHER. I beg the gentleman's pardon, it will be a block.

Mr. HOWARD. On what line?

Mr. THACHER. The Piney Branch cars and other lines which go to the end of Fourteenth Street, all for one fare. I went out there a few nights ago by trolley. If the gentlemen would give more time to an examination of the exact location and means of transit to the proposed Botanic Garden, and the distinguished gentleman from Georgia put a little more facts into his speech and a little less fancy and a little less talk of teething mothers—

Mr. HOWARD. I beg the gentleman's pardon, I will not be misquoted. I said nothing about teething mothers.

Mr. THACHER. I apologize to the fathers and mothers of Georgia and teething children. You can take a car which goes

out and stops at the circle at the end of Fourteenth Street, which is about a block from the reservoir in the northwestern end of Rock Creek Park. Near the reservoir is splendid farming land—old farming land that is not sour. I do not believe our friend from Florida is a farmer. I am president of an agricultural society and I know something about agriculture, and the land is not sour, but is fertile.

Mr. CLARK of Florida. The gentleman says he is president of an agricultural society?

Mr. THACHER. I am, and I am a member of the grange.

Mr. CLARK of Florida. I belong to the farmers, not to agriculturists.

Mr. THACHER. I belong to the grange—

Mr. CLARK of Florida. Agriculturists, I understand, live in towns; farmers work the land out in the country.

Mr. THACHER. The gentleman is trying to throw me off my track. The Barnstable County Agricultural Society, of which I have the honor to be president, will hold the seventy-first annual cattle fair in a few weeks, and I give a cordial invitation to the distinguished gentleman from Florida to visit our fair and see what splendid farmers we raise on Cape Cod and what fine crops these farmers produce. They are some "pumpkins." The eloquent and distinguished gentleman from Georgia said that the visitors to Washington did not visit the present Botanic Garden. I will tell him why; because they would rather go and hear the gentleman from Georgia speak, and when they do this, they do not care about going to any botanic gardens. The gentleman said he was ashamed of our present Botanic Garden. I will tell him what is the trouble with our Botanic Garden. It is in the wrong site. It suffers from the fact of being so near the Capitol, for sometimes there is a hot current of air from the Capitol which damages the flowers and blossoms.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. THACHER. I will.

Mr. PAGE of North Carolina. I want to ask the gentleman, getting away from the flowers and speeches that have been made here in this debate—

Mr. THACHER. I apologize for the flowers.

Mr. PAGE of North Carolina. And ask if anybody on the committee of the distinguished gentleman has investigated, so as to have any idea as to how much it will cost to transfer this garden to the point indicated in this bill? The statement has been made by the gentleman from Georgia that it is estimated about \$10,000,000.

Mr. THACHER. Five to ten million; but the gentleman was entirely incorrect.

Mr. TOWNSEND. What is there to transfer; nothing but a few boxes of glass?

Mr. PAGE of North Carolina. Are they going to put them in the woods?

Mr. TOWNSEND. I have not the remotest idea what they will move.

Mr. SLAYDEN. If the gentleman will permit me to reply to the question of the gentleman from North Carolina, which is pertinent and proper, I will say that it is the opinion of botanists and of the scientists in the Department of Agriculture and in the Smithsonian—and there was doubt for some time in the minds of the committee to which of those two branches of the Government this thing should be transferred—that there is comparatively little of value down there. It will cost but a trifle to remove it. Some plants are almost valueless; and here is a copy of a letter from Dr. Galloway, for many years connected with the Department of Agriculture and known to everyone here, and who has, I am told, recently taken a position with Cornell in New York, in which he says:

As the department is already provided with many experts capable of aiding in the development of the arboretum and garden along the lines indicated, the expense for future development would not be great. We believe that for the next 8 or 10 years it would not be necessary to increase the existing appropriation for the Botanic Garden, which I understand now amounts to approximately \$30,000 annually.

I have not yet been able to understand how the gentleman from Georgia arrived at these stupendous figures.

Mr. CLARK of Florida. Will the gentleman yield for a question? I would like to ask the gentleman if his committee has made any calculation as to the cost of clearing that land—

Mr. SLAYDEN. It will not have to be cleared.

Mr. CLARK of Florida. And putting it in shape for cultivation?

Mr. SLAYDEN. I will say to the gentleman from Florida, with the permission of the gentleman from North Carolina [Mr. PAGE], that these open places were formerly fields.

Mr. CLARK of Florida. I am not talking about the open places.

Mr. SLAYDEN. It is not intended to be cleared.

Mr. CLARK of Florida. Is it not covered with oak and hickory?

Mr. SLAYDEN. I will say to the gentleman that most of it is as clear as this floor.

Mr. PAGE of North Carolina. The bill mentions 400 acres. Of course there is a small part of the 400 acres that would be used for the cultivation of plants?

Mr. THACHER. I will say to the gentleman from North Carolina that they put that as the maximum amount. They will not need anything like that amount. I would say that the members of the Committee on the Library have examined this proposed site carefully, and other gentlemen connected with the Government departments, to whom the chairman of our committee [Mr. SLAYDEN] has referred, have done the same. The expense of transporting the limited number of plants, few hothouses, and cold beds now in the Botanic Garden to the new site should not be great. Only a few acres would probably be utilized at first. This garden would start in a small way, and then if the Congress later on wishes to make further appropriations, it is up to them. We are not embarking on any wild scheme here of five or ten million dollars. To hear some of the gentlemen talking about these big projects, you would think we were going to start a botanic garden for all the world.

Go down here and look at the Botanic Garden this afternoon. It was started here as the result of the Wilkes expedition in 1852, and it has been there ever since. For many years Mr. Smith was at the head of the garden, and he died. The present fence was ordered to be removed by Congress two years ago, because you all know the Grant Memorial is going to be finished before long. There will be no room—

Mr. HOWARD. Will the gentleman yield?

Mr. THACHER. Yes.

Mr. HOWARD. Does the gentleman contend that the cost will be a mere bagatelle, when you will have to arrange buildings and pay for landscaping and houses for employees and all that expense? Does the gentleman contend that the Government of the United States is going to make miserly appropriations? Does not the gentleman know that they not only make liberal but extravagant appropriations for this business?

Mr. THACHER. We do not ask for a cent here. We believe there is money enough in the ordinary appropriations for the Botanic Garden to take care of the moving.

Mr. HOWARD. The Government owns the 400 acres?

Mr. THACHER. They belong to the Government.

Mr. HOWARD. In fee?

Mr. THACHER. Yes. Now, I want to get back to the Botanic Garden that exists to-day.

Mr. SIMS. If the gentleman will permit, this land down here now occupied by the Botanic Garden, if the garden is removed, will be of immense value. The Government can use it for public buildings. Instead of going around and tearing down buildings, as they did between here and the station?

Mr. THACHER. Certainly.

Mr. WEBB. I suppose the gentleman has seen this beautiful body of land lying east of the railroad, in Potomac Park, down near the War College?

Mr. THACHER. Down in Potomac Park.

Mr. WEBB. The body of land I speak of is lying east of the railroad, and has recently been skirted by this new road down to the point looking across at the War College. I will ask the gentlemen if they have ever considered the advisability of establishing that botanical garden on that 100 or more acres of land?

Mr. THACHER. I will come to that in a moment. Now, the Botanic Garden will have to be moved soon from its present site. The gentleman from Georgia referred to the goats, and said that the fence was built for them. I want to say last October marauders went in there and the old superintendent in charge chased the boys, and I am sorry to say that as a result he died from heart disease. He was a faithful employee of the Government. The fence is needed for protection to the plants and shrubs. At night the garden is closed.

Now, the Botanic Garden has to be moved. Where will you move it? Down to Potomac Park, if you wish. Now, as to the condition at Potomac Park; the land is low and soggy and close to the river there, with no diversity of soil and no diversity of height at all; no hills, but all flat land. It is not accessible and has no trees to speak of. It is some distance to it. It can be reached only in a roundabout way by the cars. I have considered this site carefully.

Mr. WEBB. Will the gentleman tell me what an arboretum is?

Mr. THACHER. I can tell you. Arbor is from the Latin, and means a tree.

Mr. WEBB. West of the park I speak of there are 5,000 little trees cultivated as a nursery, and if the land west of the railroad is good for a nursery is it not good for an arboretum?

Mr. THACHER. When the trees get to be of any size, the teething babies mentioned by the gentleman from Georgia will be aged and infirm.

The Botanic Garden will have to be moved. The Potomac Park would not seem a suitable place. Shall the Government acquire land at considerable expense or go out to Rock Creek Park? A statement has been made here as to automobiles. You can go out there on the street cars.

The Fourteenth Street line stops one block from the reservoir, and there are fine farming fields out there, and if you continue to the northwestern portion there you will find fertile fields and streams and a splendid place for an arboretum. We are not planning any great arboretum. We are planning to acquire this land without expense, and it is up to Congress. I trust this bill will not be smothered by delay or by arguments about spending \$5,000,000, and talk of teething babies and for automobiles. Let us get down to brass tacks and onto the ground floor.

In closing I want to say that two of the members of our committee are not here. One distinguished member has just returned. I understand, from an interesting sea trip abroad, the gentleman from Missouri [Mr. BARTHOLOMEW]; but all of the members have been out there and have spent a lot of time, and so have other distinguished Members of the House who are fond of flowers, and they all believe this is going to be a splendid thing. So we trust that the House will understand this bill and vote intelligently and support this good measure.

I yield back my time.

Mr. PAYNE. Do I understand the gentleman to say the committee is unanimous for the removal?

Mr. THACHER. We have been so.

Mr. PAYNE. None of the committee is interested in the present superintendent?

Mr. THACHER. I have no personal interest beyond the fact that I want to see a good man there.

Mr. PAYNE. I understand that he is opposed to the removal.

Mr. THACHER. I can not say. I want to see a good man there. I have no personal interest in it.

Mr. PAYNE. I understand that had something to do with the opposition to the project.

Mr. THACHER. I do not want to look for any "negro in the woodpile."

Mr. PAYNE. I thank the gentleman.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SLAYDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 6031) authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 4969. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

S. 5278. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

S. 5501. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

S. 5899. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

REMOVAL OF BOTANIC GARDEN.

The committee resumed its session.

Mr. MANN rose.

The CHAIRMAN. The gentleman from Illinois is recognized for one hour.

Mr. HOWARD. Mr. Chairman, do I understand that I have no time left?

The CHAIRMAN. The gentleman has time left. He is not using it at this time.

Mr. MANN. Does the gentleman want to use time or yield?

Mr. HOWARD. No; I just wanted to understand if I had some time. I beg the gentleman's pardon for interrupting him.

Mr. MANN. Mr. Chairman, my father was a nurseryman and my mother a great lover of flowers and I was raised in a nursery and a flower garden in Illinois, although my parents afterwards removed to Florida, to the district represented. I think, by the distinguished gentleman, Mr. CLARK. I believe it was his district. They had a nursery and a flower garden down there of a somewhat different sort, so that all my life I have been interested in gardening, and for years I have taken my recreation in a garden. Other gentlemen go fishing, or hunting, or play golf, or travel, or go to the seashore, or the woods. I go to the woods when I can. But habitually I go to a garden which I have now in Chicago, and when I get a chance I will soon go home and get hidden in a garden where nobody can find me, actually working with the plants.

Ever since I have been in Washington I have taken a great interest in the Botanic Garden here. I was a very intimate friend of Mr. Smith when he was alive and of Mr. Reynolds when he was alive. I have a better garden in Chicago myself, maintained at very small expense—because I can not afford much—than the Botanic Garden is down here. The Botanic Garden in its inception used to gather up plants from different parts of the world and distribute them through the congressional distribution and otherwise, and hence it was of value and did great service in those days. But for years it has amounted to nothing in that line. The plants that are now gathered from other parts of the world are gathered by the Department of Agriculture.

Mr. SLAYDEN. Will it interrupt my friend if I ask him a question in that connection?

Mr. MANN. No.

Mr. SLAYDEN. In that period of the greatest usefulness of the garden, when they were gathering plants from all over the world and distributing them, were the appropriations greater or less than now, or were they about the same as they are now?

Mr. MANN. They were about the same. There never were large appropriations for the Botanic Garden, and probably there will not be any necessity for large appropriations.

The Department of Agriculture now maintains all the time one or two men—sometimes more—picking up plants of different sorts, largely in China and Manchuria and in the eastern countries, although not entirely there. It is not difficult. In my little garden I have planted seed which came from the higher mountains of Africa side by side with seed which came from the Arctic region. There is no great difficulty about it. But the Agricultural Department is maintaining somebody, not entirely for the purpose of getting plants that are useful, but also for getting plants which are ornamental and beautiful. The Botanic Garden naturally does not deal so much with plants which are useful as it does with plants which are ornamental, although if it should be turned in to the Department of Agriculture it may deal with trees which are both useful and ornamental.

Now, the present Botanic Garden is a joke. There is not an English island in the Caribbean Sea that does not itself possess a botanic garden that would make an American citizen who looks at this Botanic Garden down here blush for shame, both as to beauty and use. There is not a nation in the world, I think, civilized or uncivilized, that does not maintain a botanic garden of greater beauty and greater use than the Botanic Garden down here.

I admit that this Botanic Garden has some use. It furnishes each Member of Congress each spring with a box of plants. I believe that within the last two or three years they have endeavored to get a few of the newer kinds of lilacs, philadelphus, and some other plants. Up to a few years ago the varieties which they had and which they furnished to Members of Congress, to be sent out, were in the main varieties which I saw in my mother's garden when I was a boy, 50 years ago or 40 years ago [laughter].

Mr. THACHER. Say 30.

Mr. MANN. There has been a great change and development of these plants. We are all familiar with ordinary lilacs, for instance, which I have mentioned, but not many of us are familiar with new varieties of double lilacs in great bunches a foot in diameter; and yet wherever you find good gardens now you will find something of that sort, and they are no more difficult, in the main, to propagate by artificial propagation—which is the method—than the old kind. They are beginning

to get a few of these down here for your distribution and mine, and for years I have, in the main, taken a box of plants from the Botanic Garden in the spring, defining what I wanted; but I never got a set yet that I did not have better of the same kind in my own garden. They were out of date.

Now, no one wanted to disturb the Botanic Garden while old Mr. Smith was its superintendent. He had the respect, the affection, and the veneration of Members of Congress for, I suppose, 50 years and more. He was very "set" in his ways at the end, when he was over 80 years of age. No one felt like interfering with the Botanic Garden while Mr. Smith was alive, but everyone who had studied the subject at all realized that when he passed away this Botanic Garden down here would pass away with him. Then they located the Grant Monument down here, to which I was opposed. But it was located there. The fence has got to be torn down. That is perfectly evident. There is nothing in the Botanic Garden down here—in the main garden—except a few trees and shrubs, some of them good kinds, and rather valuable plants.

The propagating gardens are over on the other side of the street to the south, where they have a good many plants which they are gathering together for the congressional distribution. They are no longer engaged in sending out, even in the congressional distribution, new kinds of plants. They say they can not afford it. They have not the means nor the room for much increase in the way of propagation. They have to clean up nearly everything they have every year.

Now it is to be moved. It being a fad of mine, without any special reason otherwise, I have been working for a long time on the subject as to where the garden should go. I went with the Superintendent of Public Buildings and Grounds down to the lower end of the Potomac Park extension. Many people think that the Botanic Garden might go there, and the Superintendent of Public Buildings and Grounds thinks that it might go there, and that they might have charge of it.

I believe the present superintendent of the Botanic Garden thinks it might go over where the workhouse used to be. Various people have their opinions as to where it should go. Now, to me it seems perfectly evident that if the Botanic Garden is to be maintained at all it can be maintained with less expense and greater efficiency under the Agricultural Department than in any other way. When the Botanic Garden was first organized there was no Agricultural Department, and when it engaged in the distribution of plants the Agricultural Department had nothing of the sort and did no work of that kind.

The Agricultural Department and the Bureau of Plant Industry are not only engaged in importing plants from abroad, but they are engaged in developing by artificial propagation, and by other means, plants in the United States, making a great improvement. They get trees from Manchuria or China, which it is supposed may at some time be useful. Well, they have no place now where they can plant those trees under their own supervision unless they send them to one of the gardens which they maintain in the warmer climates. They have no place in a climate like this where they can plant a tree, which may not mature for 30, 40, 50, 60, or 70 years, where they have it under their eye and can watch it at all. Of course they can give the trees away, as they do, to private people, and more or less benefit results from that.

They can handle this with practically little expense. Dr. Galloway called together the heads of the divisions in the Department of Agriculture and had them make a search of Washington, at the request of the gentleman from Texas [Mr. SLAYDEN], chairman of the Library Committee, and they arrived at the conclusion that they could take the vacant spaces in the north 400 acres in Rock Creek Park, and with very little expense gradually develop a botanic garden there by planting these things which they accumulate from different places throughout the world, and by moving those few things in the present Botanic Garden which are worth saving, that in this way they could develop a botanic garden which would be useful and ornamental, at very little expense.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. PAGE of North Carolina. Just at this particular point, because of the location he has mentioned in connection with the statement made by the gentleman from Massachusetts [Mr. THACHER] as to the accessibility by street car of this particular place, I know that the gentleman who is now addressing the House is familiar with the geography of that particular district. How far is that from any street-car connection at the present time?

Mr. MANN. The outer edge of the park there is, I think, about two blocks away.

Mr. SIMS. The Fourteenth Street car goes right by there.

Mr. MANN. That is the outer edge of the park. Now, do not make any mistake. A botanic garden which is of any value at all will not be a place of popular resort. The finest botanic garden in America is at Boston. It is not a place of popular resort. The next finest, I think, is at St. Louis. It is not a place of popular resort. People who are interested in these things, people who are interested in plants, whether they be florists, nurserymen, housewives, or the owners of home gardens, when they come to a place where there is a botanic garden will go to see it. I never think of going to a town that has a botanic garden without going to it. That is because I want to go there. I never find very many other people there. It is not so much to have a place of popular resort as it is to have some place where the Government has these things that students can go and examine and at the same time develop by experience work which is of benefit to the country at large. All of that can be done at Rock Creek Park. It can be done at very little expense. One gentleman a while ago said that the soil out there was sour. Well, I will forgive my friend from Florida [Mr. CLARK] for saying that. I own some Florida land and have for a great many years. I know that when you turn over muck land in Florida it is so sour that it would make vinegar taste sweet. It does take time there, but this land up here has been cultivated. It is not sour. It is ready for use at any time to the extent that it will be used.

Now, do not imagine that if a bill like this passes there is going to be any great expense about it now. I do not think there will ever be any great expense. There is very little to move out of the present Botanic Garden that is worth taking. There are some glasshouses down here where they maintain a few plants that they keep inside in the wintertime and move out some of them in the summer time, but nobody ever looks at them. I do not suppose that the glasshouses, the hothouse, or the propagating houses are of any great value, but they can be moved without much additional expense if necessary. Another thing, we have propagating gardens now connected with the Department of Agriculture, over at Fourteenth and B Streets. They can do most of the propagating that will be required in the Botanic Garden without the expense that is now incurred by propagating down here.

Now, I do not know what will happen to the congressional distribution. That is a matter for Congress to determine. If Congress provides in the future, as it has for many years in the past, for the distribution of these plants, we will in the future, at least, get some plants that we are not ashamed to send to our constituents, or that if sent to a discerning constituent will be planted. Each of us every year gets a package of seed in a little yellow envelop from the Botanic Garden. I will defy anyone here to say that he has ever planted any of them or had any of them grow. I will take that back. Some of the flower seeds will grow. But for a number of years they have sent out tree seeds from the Botanic Garden, and those tree seeds having remained at the Botanic Garden all winter in the warm room are sent out to be planted in the spring, and those tree seeds never grow unless they are planted shortly after they are collected in the fall. Well, you have to learn that by experience, and, of course, if you send a package of these seeds to your constituent and he sows the seeds and they do not grow, he probably thinks it is his fault in not knowing how to plant the seeds, or if he does not, you tell him so. But we can make an effective, efficient Botanic Garden in this way. Shall we do it? [Applause.]

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] is recognized for one hour.

Mr. CAMPBELL. Mr. Chairman, I was very much interested in the remarks of the gentleman from Illinois. I had before me the bill relocating the Botanic Garden. I watched closely for a discussion of the provision removing the Botanic Garden from the present location to Rock Creek Park, as provided in the bill. I was quite interested, however, in the historical reminiscences of the gentleman from Illinois. Like the gentleman from Illinois I can not keep out of the soil myself. He takes his exercise in the soil; so do I. I neither play golf, go to the mountains, nor to the seashore, but every afternoon along about half past 5 I go to a little piece of ground where there is a garden and I work in it and get my exercise in that way. I had hoped when I started that I could also reduce the cost of living. I have succeeded in getting exercise. But neither my recreation nor that of the gentleman from Illinois is a reason for or against moving the Botanic Garden to Rock Creek Park.

Since I have been in Congress I have taken an interest in beautifying Washington. There has not been an effort made since I have been a Member that has had for its object making Washington a more beautiful and attractive place within reason.

able bounds that I have not supported. I have been in favor of enlarging Rock Creek Park, and have been moved to that position by the arguments in favor of making it a larger park, so that it would be available at all times to all conditions of people in Washington and those who might come here.

There is a proper effort still made that Rock Creek Park be enlarged for park purposes by a suitable connection with Potomac Park. Those who are in favor of enlarging Rock Creek Park are interested in making Washington one of the most beautiful capitals in the world and making Rock Creek Park the greatest park in the world. I sympathize with their efforts. I am opposed to this bill because it takes from Rock Creek Park about 400 acres for park purposes and puts it under the Committee on the Library, or some other committee, or under the Agricultural Department to be used as a botanic garden.

Now it is stated by the gentleman from Illinois, and I believe by the gentleman from Texas and by others, that botanic gardens are not maintained for the ordinary visitor who wants to go to a park; that they are not provided with seats and places for mothers with teething babies. Rock Creek Park was established by Congress for park purposes. The 400 acres now contemplated for a botanic garden in this bill were purchased for the extension of Rock Creek Park, and the arguments that were made in support of that purchase were for an enlarged park for greater Washington. It was not dreamed that a subsequent Congress, or any committee of this House interested in Washington, interested in beautifying it and maintaining parks suitable for the Capital of a great Nation, would report favorably on a bill taking 400 acres out of that and setting it apart as a botanic garden and depriving the public of its use for park purposes. That is what this bill does.

Mr. MANN. Will the gentleman yield for a question?

Mr. CAMPBELL. Certainly.

Mr. MANN. Does the gentleman think that a botanic garden need in any way to interfere with the park?

Mr. CAMPBELL. I am moved by the arguments made by the gentleman from Illinois when he was on the floor to say that it would. It will be used for a botanic garden, and a botanic garden, according to the gentleman from Illinois, is not a park and is not used for a park.

Mr. MANN. All the botanic gardens I have seen were used in the nature of parks, but it may be that I am mistaken.

Mr. CAMPBELL. The gentleman from Illinois is usually very happy in his forceful manner of making clear statements, and I think I am not mistaken in saying that within 30 minutes he has said on this floor that botanic gardens were not parks, and that people did not go to botanic gardens as parks; that lovers of trees and shrubs and flowers went to botanic gardens, but people who wanted to lounge in a park went to a park.

Mr. MANN. I said that they were not places of great popular resort. I can not understand why a botanic garden should interfere with the park features now maintained in Rock Creek Park or that should be maintained, except that it would not allow playgrounds where the garden itself is. In other respects it would not interfere at all with the roads or with any of the other park aspects. That is my understanding or I would not be in favor of the bill.

Mr. CAMPBELL. My understanding is that the Botanic Garden is under the control of somebody in charge of that garden. I understand that the park commissioner would like to have the garden under his control.

Mr. MANN. The gentleman means the Superintendent of Public Buildings and Grounds?

Mr. CAMPBELL. Yes. He could not have control of that Botanic Garden without having control of the park.

Mr. MANN. No; it is not intended that he shall have control of it.

Mr. CAMPBELL. Whoever has control of the Botanic Garden will have exclusive control of that portion of the ground covered by the Botanic Garden.

Mr. MANN. Undoubtedly.

Mr. CAMPBELL. Rock Creek Park will not be under the control of that party, whoever he may be, but the Botanic Garden will be under the control of some one else.

Mr. MANN. The Zoo is in Rock Creek Park, is it not? If the gentleman did not see a fence between them, could he tell when he went from Rock Creek Park into the Zoo?

Mr. CAMPBELL. Well, it is right there.

Mr. MANN. Oh, yes; it is right there; but it is not under the same management.

Mr. CAMPBELL. Probably not.

Mr. MANN. Rock Creek Park is controlled by one set of officials and the Zoo by another, but both having some common

sense it is a park in both cases, and this would be the same way. You could not tell when you got out of one and into the other.

Mr. CAMPBELL. But the Botanic Garden, such as is advocated by the gentleman from Illinois and by others, will make or that portion of Rock Creek Park a garden that will be under the exclusive control of the gardener or man in charge of the botanic gardens, and it would cease to be a park for park purposes. The people go to the Zoo. It is one of the most popular parts of Rock Creek Park.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. CLARK of Florida. Mr. Chairman, I want to ask the gentleman if he thinks, if this garden were put inside the park and made a part of the park, it would be possible for the superintendent of the garden to allow the public generally to stroll through the garden and use it as they do a public park? Could he protect the plants, the flowers, and all that sort of thing, if the public had absolutely free access to it, the same as to a public park?

Mr. CAMPBELL. I do not think so.

Mr. THACHER. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. THACHER. Is the gentleman aware that in Boston the Arnold Arboretum, containing about 700 acres, one of the best arboreta in the world, is contiguous to the Boston public park, and at one time formed a part of the park; and is he aware that they have no trouble at all with the people going through there and picking flowers?

Mr. CLARK of Florida. Mr. Chairman, will the gentleman from Kansas permit me to ask the gentleman from Massachusetts a question?

Mr. CAMPBELL. Yes.

Mr. CLARK of Florida. I would like to ask the gentleman from Massachusetts what is the difference between an arboretum and a botanic garden.

Mr. THACHER. A distinguished gentleman asked me that question about an hour ago. I told him that the word "arboretum" comes from the Latin word "arbor," meaning a tree. You expect to find trees throughout an arboretum. It is given to the growth of trees, and a botanic garden may contain roses and lilacs and other kinds of flowers. The distinction is that in one you find plants and in the other trees, though you may find both; but that is the distinction.

Mr. CAMPBELL. Mr. Chairman, I do not want the gentleman's arboretum to get me too far away from my line of thought.

Mr. COOPER. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. CAMPBELL. After I have answered the gentleman from Massachusetts. I have been through the arboretum in Boston. It is a beautiful place, and they have beautiful trees there, but it is as different from my idea of what a botanic garden is as an ordinary vegetable garden is from a botanic garden. There is no danger of destruction of trees if pedestrians will keep in the paths or walks, and there are no "Do-not-touch-these-flowers" signs to be seen. It is not a part of the park plan.

Mr. COOPER. Will the gentleman permit me to suggest this statement, just made to me by the gentleman who lives in the city of St. Louis, and that is that Shaw's Botanic Garden, one of the most notable gardens in the world, adjoins Tower Grove Park in St. Louis, and is absolutely open to all visitors at all times. I have often heard of that botanic garden, and I visited it once. The people go right through the park into the botanic gardens, and they have their picnics and their meetings and they sit there and they talk, and there is no trouble about the plants or the flowers whatsoever.

Mr. SLAYDEN. Will the gentleman from Kansas permit me to interrupt him a moment?

Mr. CAMPBELL. Yes.

Mr. SLAYDEN. Is it not a fact, however, that in Shaw's Garden, which I have visited more than once, there is a very limited area, and it is all occupied with plants, practically, whereas there will be only a spot here and there in the 400 acres to be used for ultimate development into a botanical garden, and the access to it will be just as free as it is now, and no one but an expert like the gentleman could tell when he gets out of the park and into the garden?

Mr. COOPER. Shaw's Garden is almost exclusively of plants.

Mr. SLAYDEN. Yes.

Mr. CAMPBELL. Mr. Chairman, I have been in Shaw's Garden in St. Louis. It is beautiful, but it is a botanic garden and is not a park. It is not designated in St. Louis as a park,

while it is adjacent to it, and it is not interfered with in its management and the flowers and shrubs are not destroyed. Yet it is not maintained as a park. It is adjacent to the park.

Mr. COOPER. But the people go through the park right into the botanic garden without knowing it, just as they would if this were placed in Rock Creek Park.

Mr. CAMPBELL. I come now to a question in this matter that can not be removed from it in the consideration of this bill. I have been in this House long enough to know of the work that has been engaged in to enlarge Rock Creek Park. I will vote for the enlargement of Rock Creek Park as an independent proposition upon its merits, knowing exactly what I am doing, but I have always refused to vote to accomplish indirectly what can not be accomplished directly. I know that just as soon as you have taken 400 acres off the north end of Rock Creek Park for a botanic garden the effort to enlarge Rock Creek Park between the present Rock Creek Park and the Potomac Park will be renewed and will win, because those interested will convince Congress that they have had to give up an important part of Rock Creek Park for a botanic garden and that now they must have this ground for park purposes. We may just as well meet the question to-day as to meet it in two years from now or four years from now or six years from now.

Mr. SLAYDEN. Mr. Chairman, if the gentleman will yield, this charge has been made, and I would like the gentleman to say what possible interest he thinks that Members of this House or members of the committee have in any real estate proposition?

Mr. CAMPBELL. They have not any; there is not a Member of this House to-day that has any interest in any real estate; but I do say if this Botanic Garden takes 400 acres off the north end of Rock Creek Park Congress will be prevailed upon to add that much of ground to Rock Creek Park at some convenient place to the people of Washington.

Mr. SLAYDEN. Of course we can not tell what may take place in the future.

Mr. MANN. Will the same gentleman yield for a question?

Mr. CAMPBELL. I will.

Mr. MANN. Where could that be added?

Mr. CAMPBELL. Oh, out here in this little neck where we have been asked to put it in so long.

Mr. MANN. The gentleman does not seriously, in his right mind, mean to even guess that there is any possibility of Congress buying Massachusetts Heights; that has been laid out and graded and fixed up for sale as a part of Rock Creek Park?

Mr. CAMPBELL. I do not know. There have been a good many things done in Washington.

Mr. MANN. I can follow the gentleman in his imagination a great ways, but that is beyond me.

Mr. FALCONER. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. FALCONER. Does the gentleman favor the moving of the Botanic Garden anywhere?

Mr. CAMPBELL. Yes.

Mr. FALCONER. Or would the gentleman prefer it to remain where it now is?

Mr. CAMPBELL. I think I would move it down to this ground that we already have, move it down to this extension of Potomac Park, or to make it part of the agricultural farm. There are many places where it could be put without expense in the purchase of land, and that will make it a botanic garden without injury or great expense.

Mr. PAYNE. If we should take part of Potomac Park for this ground is not the gentleman afraid by the same process of reasoning that he will compel Congress to buy from Potomac Park over across to Rock Creek Park?

Mr. CAMPBELL. There may be—

Mr. PAYNE. And the real estate pork barrel gets into it automatically?

Mr. CAMPBELL. The gentleman from New York suggests that using a section of Potomac Park for a botanic garden will probably lead to the same condition we may have in respect to the Rock Creek Park.

Mr. PAYNE. I beg the gentleman's pardon, I did not suggest that, but I asked the gentleman the question whether he did not think so; I have no fears on that point.

Mr. HOWARD. Will the gentleman permit an interruption?

Mr. CAMPBELL. Yes.

Mr. HOWARD. The gentleman's argument is that the placing of this botanic garden simply withdraws 400 acres from that magnificent park for park purposes, and he suggests as a

proper place to put this park in a part of Potomac Park. I presume the gentleman means east of the railroad down there.

Mr. CAMPBELL. Yes.

Mr. HOWARD. That has not yet been finished as a park as I understand—

Mr. CAMPBELL. Not at all, and it is an arm off the park proper.

Mr. HOWARD. But it is in process of completion and the money that would be expended in completing that for park purposes could be utilized for the purpose of completing this into a botanic garden.

Mr. CAMPBELL. That is true, and if it were not desirable to put the Botanic Garden down there on this side of the river off Potomac Park we have plenty of land just across adjacent to the agricultural farm, easily accessible to the people of Washington where the Government is now reclaiming land and beautifying the place.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. CAMPBELL. I will.

Mr. SLAYDEN. How does the gentleman avoid the argument advanced by botanists and those who are familiar with this work when they say you have to have a variety of soil and topography and conditions that I read awhile ago from the head of the great botanic garden in New York, a disinterested and capable witness? How does the gentleman avoid the argument which seems to make the place he suggests an unsuitable one?

Mr. CAMPBELL. They are raising every variety of cereal, every variety of fruit trees on the agricultural farm, and I see no reason why the same soil could not be used for a botanic garden.

Mr. COOPER. Will the gentleman permit an interruption right there?

Mr. CAMPBELL. I will permit a question.

Mr. COOPER. I want to read just one sentence from what Dr. Galloway says, who has just gone to Cornell, about the necessity of conditions and exposures, difference in the variety of soil, and so forth, in order to have a real good arboretum and botanic garden. I would like to have the gentleman answer that, remembering that the place of which he speaks is practically flat as is also the region suggested by the gentleman from Florida.

Mr. CAMPBELL. I can not yield for the reading of that—this is in the report of the committee; but the land that is described by gentlemen here who favor the taking of a part of Rock Creek Park for the Botanic Garden is a beautiful plain—farming land that is under cultivation.

Mr. COOPER. Well, now, will the gentleman permit an interruption there? That shows the gentleman is not familiar with the topography of the country of which he purports to speak.

Mr. CAMPBELL. I am talking about what gentlemen have stated here this afternoon, about the land that it is proposed to take within Rock Creek Park for a botanic garden.

Mr. COOPER. The report states—this is an extract from the letter of Dr. Galloway:

Rock Creek Park offers a peculiarly suitable location for a national arboretum and botanical garden, in that it has a variety of soils and exposures which are essential to the proper cultivation of a wide variety of plant species, and already contains a remarkable collection of native trees and shrubs.

Now, the up-hill and down-dale site over there offers the variety of exposure that is necessary.

Mr. CAMPBELL. The committee has contended that we would not take that portion of Rock Creek Park that is now beautified by trees and shrubs, but it is proposed to take a beautiful piece of ground that is used as a farm.

Mr. SLAYDEN. I did not say that. I say that the places which it is proposed to plant and on which to cultivate plants, flowers, and things of that kind, are the open places, the old farms and old fields up there. It is not intended to disturb the trees or forests that are there. It is not intended to disturb the trees or forests that are there, because they are a part of the arboretum planted by the greatest of all gardeners.

Mr. CAMPBELL. That portion quoted by the gentleman from Wisconsin [Mr. COOPER] has no application to that and is not an argument in favor of moving the Botanic Garden out there as opposed to moving it elsewhere.

Mr. SLAYDEN. To where do you want it moved?

Mr. CAMPBELL. I do not care so long as it does not take a part of Rock Creek Park and prevent its use for park purposes.

Mr. HOWARD. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. HOWARD. I just wanted to suggest, apropos to the question suggested by the gentleman from Wisconsin about the great variety of trees in Rock Creek Park, does not the gentle-

man know that there are propagated down in Potomac Park over 100 varieties of trees that these gentlemen say can not be propagated on this land?

Mr. CAMPBELL. I think they have some trees there from Japan. I think there are no more beautiful trees to be found anywhere in this section of the country than you will find down in Potomac Park imported from Japan.

Mr. MANN. Does the gentleman mean to say that they propagate any trees down there? The gentleman is a farmer, and used the term "propagate" as to the trees down there. Does the gentleman mean to stake his reputation on the fact that they propagate trees down there?

Mr. CAMPBELL. I am a cereal and vegetable farmer.

Mr. MANN. A cereal farmer and not a serious farmer?

Mr. CAMPBELL. I am not of the arboretum variety.

Mr. MANN. If the gentleman will permit me to say in his time, for the benefit of the gentleman from Georgia, they do not propagate anything down there at all. They have a few trees heeled in there as a nursery pure and simple.

Mr. HOWARD. I may have used the wrong word. They are growing there, and luxuriantly growing.

Mr. MANN. Of course, they grow well all over Potomac Park.

Mr. CAMPBELL. I have not seen anything in the way of a shrub planted in Potomac Park that has not grown well. It may be that it is not a suitable place from a theoretic standpoint.

Mr. MANN. The gentleman has not been very observing, then, because there have been a great many trees down there that have died. Of course, if they stay dead for a year they pull them up.

Mr. CAMPBELL. That is true of all trees in all parks. Of course, some of them die.

Mr. MANN. I understood the gentleman to say he did not see anything that was not growing well down there.

Mr. THACHER. May I ask the gentleman if he ever visited this locality proposed to be taken by the Botanic Garden in Rock Creek Park?

Mr. CAMPBELL. Yes. I have been all over the park.

Mr. THACHER. You concurred in some of the statements made by gentlemen who have spoken that there was no variety at all. There is variety, and slope, and southern exposure. There is a great variety there. I believe the gentleman wants to be fair.

Mr. CAMPBELL. Certainly.

Mr. THACHER. And quite a contrast to Potomac Park, which is low, and flat, and soggy.

Mr. CAMPBELL. What I did say in respect to that is this: It was stated it would not be expensive at all to convert the portions of Rock Creek Park into a botanic garden, because it has been used for agricultural or farm purposes. That statement has been made, has it not, in answer to the statement that it would be an expensive thing to convert Rock Creek Park into a botanic garden? But I must hasten to my conclusion.

Mr. PLATT. May I ask the gentleman if he said what part of Rock Creek Park was referred to? I never happened to find any such part of it.

Mr. CAMPBELL. I have not seen it; but it has been stated here by gentlemen in favor of making a part of Rock Creek Park into a botanic garden that there were beautiful agricultural fields there that could be easily converted without expense into a botanic garden.

Mr. PLATT. There are some slopes of meadow grass that have evidently been farmed in years gone by.

Mr. CLARK of Florida. Will the gentleman permit me just a moment?

Mr. CAMPBELL. Yes.

Mr. CLARK of Florida. I would like to say to the gentleman if he is not familiar with it, that down on reservation No. 13 they have all the rolling land they want. It is beautifully rolling down there, some high land and some low land. I want to also state that there is an immense nursery of trees there now, and houses, too.

Mr. CAMPBELL. I was just going to mention that other possible location for a botanic garden without in any way interfering with the park system that has been outlined for Washington. Now, I want to call the attention of gentlemen to the park plan for Washington that practically bars the idea of taking 400 acres off the north end of Rock Creek Park and making it into a botanic garden. The parking plan for Washington contemplates a park surrounding the entire city, with driveways in that system surrounding the entire city. You can not take 400 acres off of Rock Creek Park without destroying that plan.

Mr. SIMS. May I ask the gentleman a question?

Mr. CAMPBELL. Yes.

Mr. SIMS. This 400 acres will be there after it is used for botanic garden purposes just as it is now, with all the driveways unobstructed, and unless somebody would point it out to you as you were going along the driveway you could not tell when you went from one part into another, and it will not in the slightest interfere with the plan if it is carried out. In other words, it is only permitting a botanic garden being placed in the park without diverting it from park purposes one particle, and making it a more beautiful park than it is.

Mr. CAMPBELL. That statement has been made here, but there is nothing in support of it. The plan of a park system for Washington does not contemplate that a portion of it shall be set aside for a botanic garden under the exclusive control of somebody in charge of that garden.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Wisconsin?

Mr. CAMPBELL. I yield for a question.

Mr. STAFFORD. The gentleman has just stated that there is nothing to support the statement made by the gentleman from Tennessee [Mr. SIMS] that it would add to the beautification of the park. I wish to call to his attention and to the attention of the committee the remark of Dr. Galloway in his letter to the chairman of the committee, in which he used this language:

On the contrary, our object would be to enhance the beauty of the park through the gradual accumulation of collections of plants in such a way that they would serve a useful purpose to the whole country as well as enhance the beauty of the surroundings.

There is nothing in this proposition that tends to detract from the present use of Rock Creek Park. The gentleman bases his argument on the supposition that it is a playground. In fact, it is more utilized for driveway purposes. The very part of this park that is intended to be used as an arboretum is hilly in character and is used almost exclusively for driveway purposes.

Mr. CAMPBELL. Well, the gentleman from Wisconsin may be right; but if you establish a botanic garden in Rock Creek Park, you take that area out of the park for park purposes.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield further?

Mr. CAMPBELL. I will yield for a question.

Mr. STAFFORD. Does not the gentleman believe that in deciding this question it would be well to follow the example of other cities? I wish to ask him if he knows of any city in the country where they have not established their botanic gardens in connection with their park system? I call his special attention to the case of Philadelphia, where Horticultural Hall is located on the old site of the centennial exposition grounds, which is a botanic garden.

Mr. CAMPBELL. I can not yield to the gentleman for a speech.

Mr. STAFFORD. The gentleman has an hour. I did not think he was pressed for time.

Mr. CAMPBELL. There is a vast difference between Horticultural Hall in Philadelphia and the Botanic Garden.

Mr. COOPER. Mr. Chairman, will the gentleman yield for a question?

Mr. CAMPBELL. Yes; for a question.

Mr. COOPER. The gentleman says that these 400 acres are to be taken from the park. Of course, the people will go right from the park into the garden as they please, as they do in St. Louis. But there are 1,600 acres in that park, which is an exceedingly large park. If, for the sake of the argument, you take off 400 acres, it would leave 1,200 acres in the park, which is still an exceeding large park.

Mr. CAMPBELL. Yes; but that is not a single body of land.

Mr. COOPER. It is used for drives.

Mr. CAMPBELL. Yes; it is used for drives, and it could not be used for the propagation of plants, such as was described by the gentleman from Illinois [Mr. MANN], if it were used for driveways.

Mr. MANN. Of course it could.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. PLATT. Would the gentleman regard the Zoological Park as being taken out of the Rock Creek Park area, or as a part of it?

Mr. CAMPBELL. That is an invitation to come into Rock Creek Park to see the animals.

Mr. PLATT. Would not the Botanic Garden be the same thing?

Mr. CAMPBELL. Not at all. The invitation to a zoo, to a zoological park, is a vastly different kind of an invitation from one that you would have to go into a botanic garden.

Mr. PLATT. There is more noise about it.

Mr. CLINE. Mr. Chairman, will the gentleman permit me to ask him a question?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Indiana?

Mr. CAMPBELL. I yield to the gentleman.

Mr. CLINE. Assuming that these several tracts are all equally available for the removal of the Botanic Garden, has the gentleman canvassed the proposition as to the expense of properly preparing the different sections and the future amount of money necessary for their upkeep? Would there be any difference in that? Would the 400 acres be more expensive or less expensive than the cost of moving the Botanic Garden over to the Potomac flats?

Mr. CAMPBELL. The 400 acres to be taken for botanic purposes in Rock Creek Park would be 400 acres of the most expensive land adjacent to the city of Washington. Everybody knows, and especially the gentleman from Tennessee [Mr. Sims], that the northwest section of Washington contains the most expensive land adjacent to or in Washington. The land would be much cheaper—the taking of the land down here in reservation 13, would be much cheaper—and its maintenance, I think, would be a great deal less than that of the land in Rock Creek Park. The extension of Potomac Park, which has not yet been converted into a park, could be used at a much less expense and would take land that is less valuable than the land in Rock Creek Park.

Mr. PLATT. I wanted to ask the gentleman if he ever crossed Rock Creek Park on what is called the Military Road, going from Piney Branch across to Chevy Chase Circle or thereabouts?

Mr. CAMPBELL. Yes.

Mr. PLATT. The land in that section of Rock Creek Park is not worth more than the land down here.

Mr. CAMPBELL. It costs more to buy it.

Mr. PLATT. That may be true, but there is land all around it that does not look expensive.

Mr. CAMPBELL. But just as soon as you undertake to buy that land it goes up in value far beyond what its appearance would indicate.

Mr. MADDEN. Will the gentleman yield to me?

Mr. CAMPBELL. Yes.

Mr. MADDEN. Most of the land that is proposed to be used for a botanic garden in Rock Creek Park is used for hay fields, is it not, at the present time?

Mr. CAMPBELL. I do not know what it is used for.

Mr. MADDEN. It would be put to much better purposes if used for a botanic garden than it is while used for raising hay.

Mr. CAMPBELL. I suggest to the gentleman from Texas [Mr. SLAYDEN] that he have a convention of the Members of the House who are in favor of appropriating a portion of Rock Creek Park for a botanic garden, so that they may reach an agreement as to the nature of the land and its topography and the purposes for which it is now used and the uses for which it is really available. The gentleman from Illinois now says that it is used for hay fields. Other gentlemen said here a few moments ago that it was a beautiful arboretum.

Mr. MADDEN. Of course it is surrounded by trees, but these are open places, and I see them cutting hay there every year. Nobody ever goes into that part of the park for recreation. They just smell the new-mown hay as they go by on their drives. How much better it would be if they could smell the beautiful flowers, trees, and shrubs that could be propagated in a botanic garden.

Mr. CAMPBELL. The gentleman from Illinois can not get me to say that any smell is sweeter than the smell of new-mown hay.

Mr. COOPER. If the gentleman will permit me, I want to make a correction. I said I had been told that there were 1,600 acres in Rock Creek Park. I have since learned from a gentleman who is possessed of a vast amount of information concerning everything relating to the District of Columbia that there are 2,200 acres in the park; and if these 400 acres were put into flowers and the trees left as they are, it would still leave 1,800 acres of park, which is an exceedingly large park, and the putting in of these flowers would not interfere at all with the pleasure of the people, but, on the contrary, it would add to it and enhance it a thousandfold.

Mr. CAMPBELL. It will be the most expensive move that this Congress can make with regard to the Botanic Garden. Aside from what I have said with regard to the uses to which Rock Creek Park may be put, aside from what I have said with

regard to the demands that will be made upon this Congress for additional land if this land is taken for a Botanic Garden, this will be the most expensive place in which the Botanic Garden could be placed and maintained.

Mr. CLINE. Does not the gentleman from Kansas think that the elements entering into future appropriations for this project ought to be seriously considered?

Mr. CAMPBELL. I do.

Mr. CLINE. In connection with the removal, in regard to the different locations?

Mr. CAMPBELL. I think so, and I think as a matter of fact that the cheapest and the best place is on the land in reservation 13, or adjacent to the Agricultural Farm.

Mr. MADDEN. Where is it?

Mr. CAMPBELL. Just across the river from Potomac Park.

Mr. MADDEN. In Virginia?

Mr. CAMPBELL. Yes. The Government is now reclaiming the land, cleaning out the channel of the river.

Mr. MADDEN. Does the gentleman refer to where they are putting in the breakwater north of the bridge?

Mr. CAMPBELL. Yes.

Mr. MADDEN. That is all water.

Mr. CAMPBELL. Potomac Park was all water a short time ago.

Mr. MADDEN. Yes; 15 years ago.

Mr. CAMPBELL. The same process that filled up Potomac Park is now filling up the other side of the river on this side of the agricultural farm. The thing that the House should take into account is the enormous expense that will be entailed if they move the Botanic Garden to Rock Creek Park.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. SMITH of Idaho. What proportion of people would see the Botanic Garden if it was moved across the river?

Mr. CAMPBELL. Everybody that goes to Arlington, and there are thousands who go there every day, and anyone who wants to visit a botanic garden.

Mr. SMITH of Idaho. Only those who have a conveyance, an automobile or a carriage.

Mr. CAMPBELL. Oh, yes; they can go there on the electric car, which goes right to the very corner of the place. But it must not be argued that the Botanic Garden can be moved from its present location to Rock Creek Park without entailing the most expensive botanic garden that this Government could establish and maintain. If this Democratic Congress wants to establish the most expensive botanic garden that it could possibly establish, move it to Rock Creek Park. If you want to maintain a botanic garden in the Capital in keeping with Democratic pretenses and Democratic promises, put it somewhere where it will not be on the most expensive land anywhere in the region of Washington.

Mr. PAGE of North Carolina was recognized.

Mr. SLAYDEN. Mr. Chairman, I want to ask if we can not come to some agreement as to when we can vote on this bill. I do not desire to cut off any gentleman who desires to speak and shall not attempt to do so, but we have had a reasonably long discussion, and I would like to have the balance of the discussion under the five-minute rule. I do not want to interfere with the gentleman from North Carolina, but I want to reach an agreement as to when we shall vote—whether to-day or next Wednesday.

Mr. PAGE of North Carolina. If the gentleman is addressing his remarks to me, I will say that I do not feel authorized to enter into an agreement.

Mr. SLAYDEN. The gentleman can say what he is willing to do himself.

Mr. PAGE of North Carolina. I have no preference in the matter. I have a few brief remarks that I want to submit.

Mr. SLAYDEN. How much time does the gentleman want?

Mr. PAGE of North Carolina. I have been recognized, and that entitles me to an hour. There are several gentlemen on this side who want to speak, and I am not in a condition to commit anybody except myself.

Mr. SLAYDEN. I was making the inquiry with a view to reaching an idea of what the opinion of the gentleman was on the matter as to when we can close this debate. I do not wish to move to close debate.

Mr. PAGE of North Carolina. The gentleman could not do that.

Mr. SLAYDEN. I could move that the committee rise.

Mr. MANN. It is perfectly evident that some gentlemen are filibustering against this bill and that we will not get a vote to-night.

Mr. SLAYDEN. Mr. Chairman, I withdraw the request.

Mr. PAGE of North Carolina. Mr. Chairman, I have no desire to simply consume time and defer a vote upon the bill under consideration. I merely want to submit a few reasons why in my judgment this bill should not pass. I am like the gentleman from Illinois, and yet somewhat unlike him. I am unlike him in that I was not reared in a flower garden, but like him to the extent of my fondness for plants and flowers. I am unlike the gentleman from Kansas, whose pursuits in the garden are of a different character, and by his own admission in an effort to reduce the cost of living, because the first few years of my life were spent in an effort to produce things from the ground. I was sufficiently amused in that time, and have no particular desire to try it now.

The love of flowers and plants distinguish, in my judgment, people of culture and refinement and kindly feeling. I have always noticed in going through the country districts of my own district that when I saw growing in the yard or in window boxes or about the porch plants in bloom, it was a pretty safe bet that the people who lived there were cultured, hospitable, and kindly, and while I have often acted upon that assumption, I never knew it to prove otherwise than true.

That the Botanic Garden in its present location is out of place I think every Member of this House will admit. It has served its purpose there, and if the Government is to maintain a garden of this character it should be elsewhere than in its present location. I have listened to this discussion relative to the topography and geography and location of this proposed site in Rock Creek Park with a great deal of interest. I have supposed that I was in some degree familiar with that section of the city, and that particular location. But when gentlemen have made the statement on the floor that certain street-car lines reached within a block or two blocks of Rock Creek Park I am convinced that either they are mistaken or that I know absolutely nothing about the distances and the topography of the city in that section.

The street-car line running out Fourteenth Street to Piney Branch terminus is at least one-quarter of a mile from the boundary of the park, the nearest point being down opposite the reservoir across Sixteenth Street. The Georgia Avenue car at one point is perhaps nearer the proposed location of this botanic garden than is the Fourteenth Street line at its terminus at Piney Branch.

One of the regrets that has often come to me in my enjoyment of Rock Creek Park—I do get a great deal of pleasure from driving in the park, being the unfortunate possessor of an automobile—is that it is not accessible and within the reach of a larger percentage of the population of the city.

I have regretted not only in connection with Rock Creek Park, but also in connection with Potomac Park, that provision was not made for pedestrians. In each of these parks very elaborate arrangements have been made for vehicles, and we have expended a great deal of money in the grading and paving of roads as driveways and in the preparation of paths for equestrians, but we have forgotten absolutely in our appropriations the enjoyment of these pleasure spots within the reach of the city by the man or woman who walks, unless he or she walk in danger of being run down by an automobile or run over by a horse. I know of no cultivated land in Rock Creek Park. It may be there. I am not saying that there is not land there that within recent years has been under cultivation, but if so it has escaped my observation, and I have very frequently driven the various roads in the park. This cultivated land is not on the road.

Mr. MANN. Is the gentleman referring to anything that I said?

Mr. PAGE of North Carolina. No; nothing that the gentleman said. In fact, I could not say what gentleman it was. There has been so much said that I could not tell. I am very much like the gentleman from Kansas [Mr. CAMPBELL], for I believe that there ought to be some kind of meeting and agreement just as to the character of this soil.

Mr. MANN. I did say that shrubs might be planted in this land, because it had been cultivated. I think that that is what the gentleman has in his mind, but he is not answering that.

Mr. PAGE of North Carolina. I am not undertaking to answer that at all. I think possibly that at one time this land was cultivated, but it certainly has not been cultivated within a number of years.

Mr. MANN. Certainly not.

Mr. PAGE of North Carolina. It has grown up with bushes and plants and trees.

Mr. MANN. But part of it has grass upon it that is cut.

Mr. PAGE of North Carolina. The other gentleman from Illinois made reference, in his interrogating of the gentleman from Kansas, to the fact that they mowed hay. I think possibly just north of Military Road there is a little spot of ground on which I have seen a few mounds of hay that have been cut and raked up; but when you speak of an objection to other places that have been mentioned here as being low, I want to say that it is not much lower or damper than those spots off which this hay is occasionally mowed.

Mr. MANN. The gentleman is probably more familiar with Rock Creek Park than I am, for I do not possess an automobile, though I have walked out there.

Mr. PAGE of North Carolina. I venture the gentleman has not done much walking, though the walking is good, I will say.

Mr. MANN. Oh, I beg the gentleman's pardon. I have walked through Rock Creek Park more than two hundred times since I have been a Member of Congress.

Mr. PAGE of North Carolina. I am very glad to know it.

Mr. MANN. Much of this land is not touched by the roads at all.

Mr. PAGE of North Carolina. That is true.

Mr. MANN. The gentleman is talking about what he saw from the roads, and there are no roads near this land.

Mr. PAGE of North Carolina. I was about to say that removed from these driveways at some inaccessible spot in the park there may be cultivated land. There may be corn growing within the park, for all I know, but it has not come within my observation.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes.

Mr. CLINE. Does the land lying right north of the reservoir belong in Rock Creek Park proper at the present time?

Mr. PAGE of North Carolina. No. There is quite a large section of land there that is in private holding, just north of the reservoir; and, by the way, there has been a very insistent demand on the part of certain people in the city of Washington for the extension of Sixteenth Street to what is known as the Military Road, this insistence coming because of the fact that it does pass through private property which the gentlemen who own it desire very greatly to be developed, and it is not for the purpose of getting another road into the park, because there is certainly no lack of roads now leading into Rock Creek Park. But, Mr. Chairman, it was not along this line that I desired to make an observation. The gentleman from Texas [Mr. SLAYDEN], in reply to an inquiry I directed to the gentleman from Massachusetts [Mr. THACHER] when he had the floor, as to the cost that was going to be involved to the Government in this matter, quoted from a letter or statement made by the former Assistant Secretary of Agriculture, Dr. Galloway, that did not give very much information. It was a mere statement that, in the opinion of that gentleman, there would be no necessity for an increase in the appropriation over the present appropriations for the maintenance of the present Botanic Garden.

Why, Mr. Chairman, I venture the assertion, without going to the extent of my friend from Georgia [Mr. HOWARD] as to the probable cost that will be involved and for which the Government will be called on to pay in connection with this enterprise providing this bill passes, that the \$30,000 annual appropriation will look like 30 cents in comparison with the amount that will be asked for the enlargement, improvement, and maintenance of this proposed park in Rock Creek Park. Four hundred acres are to be made into a garden; houses are to be built for the superintendent on the grounds, with mains laid for water works for water necessary for the culture and propagation of these plants, rare and otherwise, for the building of houses for the help that would be employed in maintenance, for the clearing of the ground, for walks and driveways through this cultivated spot now not reached by drives and walk ways. Mr. Chairman and gentlemen of this committee, if this bill becomes a law authorizing the establishment of this garden in Rock Creek Park, with authority to the Agricultural Department to take over 400 acres for this purpose, the cost of maintenance, to say nothing of the cost of preparation to make this garden, I say within five years we will be extremely lucky if it costs less than \$100,000 a year to maintain it.

Mr. WEBB. Mr. Chairman, will the gentleman yield for a question at that point?

Mr. PAGE of North Carolina. I will yield.

Mr. WEBB. I remember two or three years ago a very insistent and persistent effort was made here to sell the Government some more land for Rock Creek Park. It was then made to appear the park was not big enough, that we needed more land for that purpose. Now, as a member of the Committee on Appropriations and as a gentleman who knows the ins and outs

of these sales, does not the gentleman think that if we donate 400 acres off this small park it will not be but a year or two until a pry will be put under Congress and the demand made that as they have lost 400 acres of this beautiful park they ought to have 400 acres to add to it in order to make up as much as it is now?

Mr. PAGE of North Carolina. I have no doubt in the world the people who have land adjacent to the park will seize upon any opportunity to find a market for the land, the purchaser being the Government. They are not particularly anxious to sell to anybody else. To those who are familiar with the location and situation there are hundreds of acres of land in private holdings just west of Rock Creek Park. You can to-day go along the driveway leading from about 200 yards north of Pierce's Mill, on the road that goes out to the circle at Chevy Chase, and within a quarter of a mile or less, where you go out of the present Rock Creek Park, and for nearly 2 miles or more than 2 miles you go through wooded land and on every tenth tree, almost, you will find a sign of some real-estate firm in the city saying that that particular place is for sale. There is no particular inducement for getting home builders to go there. Those people, in my judgment, are not particularly anxious to sell in this locality to those who will improve it as home builders, but it is being held in the hope that some incident will occur by which they can make a market with the Government for the enlargement of Rock Creek Park and thereby obtain a very much better price for this land.

Mr. MADDEN. Will the gentleman yield?

Mr. PAGE of North Carolina. With pleasure.

Mr. MADDEN. If it is the case that they have a number of real-estate signs on every tenth tree—

Mr. PAGE of North Carolina. If the gentleman will allow me to modify that, because the trees are rather thick, I will state at every turn of the road.

Mr. MADDEN. Suppose there is one every fiftieth tree, I do not know that they are very anxious to sell their land; but is there any justification for stating that they have no desire to sell it in view of the fact they are advertising it for sale?

Mr. PAGE of North Carolina. I will say to the gentleman it costs very little to have a real-estate sign with the name of the real-estate dealer and "for sale" printed on it, and nail it up on a tree, and it has certain advertising value for people who pass along the road. I do not think there has been any serious effort to sell land in this locality.

Mr. MADDEN. I am frank to say I do not know anything about it, but if the gentleman will allow me to make a statement for just a minute, I would like to say that in Chicago we found we did not have parks enough to meet the needs and saw the necessity for more parks. So the city and its people joined as one man for the purpose of inaugurating a plan of making more parks, and to do that they were obliged to buy blocks of houses and tear them down in the most thickly populated part of the city, and that has been done all over the city, and done because in the early history of the city people did not see the necessity for parks for breathing spaces. And it may be that situation will develop here.

Mr. PAGE of North Carolina. Does the gentleman suppose that will develop in the city of Washington?

Mr. MADDEN. I hope so.

Mr. PAGE of North Carolina. That we will have to buy houses and tear them down to establish parks?

Mr. MADDEN. I hope we will have sense enough to establish the parks before that situation arises.

Mr. PAGE of North Carolina. I think that certainly in the city of Washington there can be no complaint along that line, but the complaint comes that in one or two instances we have made large appropriations to buy houses and tear them down to make parks even in Washington, the insistent demand here being so great as to go beyond the necessity from the definition of most of us, at least, as to what the necessities are.

Now, Mr. Chairman, I know that there is an insistent demand, of course, from certain interests and people in the District of Columbia for the establishment of this garden within the District and within the city. Naturally enough it is an additional attraction to the city of Washington and to the District of Columbia, without even the participation of the taxpayers of this District to the extent of one-half of its cost. It is one of those things that the Government is going to do wholly, as we do a great many other things within the District of Columbia, and some of them we should do. I see no reason why we should be confined to the District of Columbia for the establishment of this garden. I think there is a great deal in the suggestion that has been made by the gentleman from Kansas [Mr. CAMPBELL] in connection with the farm of the Agricultural Department, and now under their supervision and

improvement, lying just across the river in Virginia. In my judgment, it is a very much more suitable place for the establishment of a garden for the propagation of plants, and even trees, than is this plot that has been suggested in Rock Creek Park. I have some sympathy with the suggestion that has been made by other gentlemen as to the suitability of that piece of land now owned by the Government, that has not been improved except by the building of a road on one side of it. Much of the land lying east of the railroad, to the east of Potomac Park, down the river on the point, has been cultivated during recent years. It seems to me that would be a vastly better place for the establishment of this garden and for the growth not only of plants, but trees, than the one selected in this bill, in the northern end of Rock Creek Park. I even agree with the suggestion made by the gentleman from Florida [Mr. CLARK], to select reservation No. 13, in this section of the city, and known as the "old workhouse plot," and now occupied by the Washington Asylum and Jail, and evidently not to be occupied by that institution for a great while in the future, where the Government already owns a beautiful plot of land within easy reach of the population of the city, bordering upon the Eastern Branch, the Anacostia River, that is now being reclaimed and improved—the parking system of the city itself—and it seems to me that either one of these particular places would involve vastly less cost to the Government in the establishment of this garden, as well as placing it in a better location than that in Rock Creek Park, without creating the demand on the part of certain people that Rock Creek Park immediately be enlarged to the extent that we have detracted from it by taking this 400 acres.

Mr. Chairman, I have confidence in the gentlemen who have reported this bill to the House, the gentlemen composing the Committee on the Library, but I doubt very seriously whether these gentlemen have given this matter the careful consideration that it should have received in reporting their conclusions to this House. I think if they would take more time, if they would, in the light of the discussion that has taken place here to-day, some of it illuminating and some not, pursue this subject further, they themselves might come to the conclusion that it was not wise to authorize the Agricultural Department to take over 400 acres of Rock Creek Park for the purposes indicated in this bill. I shall oppose the bill when it comes to a final vote, because I do not believe that this is the place for the establishment of this garden. I think that there are better places, places that can be improved and out of which we can get all the benefits that would come from this location by the expenditure of vastly less money than it will require in the location indicated in this bill, and in a place that will not detract and take from the advantages that now exist because of this park known as Rock Creek Park.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. PAGE of North Carolina. Yes; I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Will the gentleman indicate in what respect the present uses of Rock Creek Park will be in any way diverted by utilizing it for the purpose of an arboretum or a botanic garden?

Mr. PAGE of North Carolina. To be frank with the gentleman, I do not think it will take from it or detract from the pleasure of it or the utility of it in the slightest degree; but my experience has led me to believe that it will result in an incessant demand that will come to fruition for the purchase of more land because it has been taken.

Mr. STAFFORD. Then, as I understand the gentleman's position, it is founded entirely upon fear?

Mr. PAGE of North Carolina. No, sir; it is not founded upon fear, but it is founded upon the actual happenings of the past. The gentleman has been a Member of Congress long enough to know that there are incessant demands that come in here, occasioned by a small excuse.

Mr. STAFFORD. Well, if the gentleman admits that the uses of the park will not be in any way impaired, I can not understand how the appropriation of land for this purpose will be any warrant or argument for acquiring additional land. It is merely appropriating that which we have.

Mr. PAGE of North Carolina. That is the gentleman's guess for the future, and I have made my guess; that is all. Neither of us is a seer or a prophet.

Mr. BALTZ. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Illinois?

Mr. PAGE of North Carolina. Yes; I yield to the gentleman.

Mr. BALTZ. I think great care should be exercised in selecting a site for the Botanic Garden. Since I have been a Member

of Congress I have been out in that territory and have gone over it, and I must confess that I did not find any soil thereabouts that is fertile enough to raise flowers and trees.

Mr. PAGE of North Carolina. The observation by the gentleman from Illinois is no doubt correct. I make no pretense about being either a farmer or a horticulturist, but it seems to me—

Mr. COOPER. Mr. Chairman, will the gentleman yield for an interruption?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Wisconsin?

Mr. PAGE of North Carolina. I yield.

Mr. COOPER. Does the gentleman think that the statement made by the gentleman from Illinois [Mr. BALTZ] can weigh against that of the famous expert, not only a national expert but a world-wide expert, Dr. Galloway, who says that the soil of this 400-acre tract is especially adapted for the purposes of an arboretum or botanic garden?

Mr. PAGE of North Carolina. The gentleman has called upon me to pass upon the judgment of Dr. Galloway and my colleague from Illinois, who is a practical farmer, and I will take the judgment of the practical farmer.

Mr. STAFFORD. Will the gentleman yield again?

Mr. PAGE of North Carolina. Yes.

Mr. STAFFORD. Will the gentleman take the judgment of the gentleman from Illinois as contrasted with the actual facts, when we all know that trees do grow out there?

Mr. PAGE of North Carolina. I said flowers.

Mr. STAFFORD. And flowers.

Mr. DONOVAN. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Connecticut [Mr. DONOVAN] makes the point of no quorum.

Mr. PAGE of North Carolina. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PAGE of North Carolina. If the gentleman insists upon his point, and that results in an adjournment of the House, will I have the floor on next Calendar Wednesday when this bill is called up?

The CHAIRMAN. The present occupant of the chair does not know whether or not he will be in the chair at that time.

Mr. PAGE of North Carolina. Have I not the right to continue?

The CHAIRMAN. The Chair will determine then, when the question comes up for determination.

Mr. STAFFORD. Mr. Chairman, a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. A Member of the House can not take a gentleman off his feet when he has the floor by raising the question of a point of order.

The CHAIRMAN. The Chair is inclined to think that the point of no quorum is in order at any time. If it were a parliamentary inquiry he could not take him off the floor with it.

Mr. PAGE of North Carolina. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 13 minutes remaining.

Mr. PAGE of North Carolina. I reserve the balance of my time.

Mr. SLAYDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12796) to provide for the removal of the Botanic Garden to Rock Creek Park and for its transfer to the control of the Department of Agriculture, and had come to no resolution thereon.

ADJOURNMENT.

Mr. SLAYDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned, under the order previously made, until to-morrow, Thursday, August 6, 1914, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARAWAY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 17857) to provide

for appointment to places under the government of the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 1070), which said bill and report were referred to the House Calendar.

Mr. FLOYD of Arkansas, from the Committee on the Judiciary, to which was referred the bill (H. R. 13041) providing for the establishment of a term of the district court for the eastern district of North Carolina at Wilson, N. C., reported the same with amendment, accompanied by a report (No. 1071), which said bill and report were referred to the House Calendar.

Mr. CARAWAY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 17826) to amend an act entitled "An act providing a permanent form of government for the District of Columbia," reported the same without amendment, accompanied by a report (No. 1072), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 17263) to reserve certain lands, to incorporate the same, and make them a part of the Uncompahgre National Forest in Colorado, reported the same with amendment, accompanied by a report (No. 1073), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREGG, from the Committee on War Claims, to which was referred the bill (S. 544) for the relief of the Virginia Military Institute, of Lexington, Va., reported the same without amendment, accompanied by a report (No. 1074), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 18252) regulating the salary of letter carriers of the Rural Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. ROTHERMEL: Joint resolution (H. J. Res. 316) to transfer to the custody and possession of the Attorney General sealskins; to the Committee on Ways and Means.

By Mr. FOWLER: Joint resolution (H. J. Res. 317) to remit certain penalties against certain insurance companies for a failure to make returns on incomes on or before March 1, 1914, as provided by an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 18238) granting a pension to Isabella Bedgood; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 18239) granting a pension to Vernon D. Bennett; to the Committee on Pensions.

By Mr. GILMORE: A bill (H. R. 18240) granting a pension to James P. Kennedy; to the Committee on Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 18241) for the relief of Thomas S. Lutterloh; to the Committee on War Claims.

Also, a bill (H. R. 18242) for the relief of the Cape Fear & People's Steamboat Co.; to the Committee on War Claims.

By Mr. HULL: A bill (H. R. 18243) granting an increase of pension to Pleasant McKinney; to the Committee on Invalid Pensions.

By Mr. MCGILICUDDY: A bill (H. R. 18244) granting an increase of pension to George Dulac; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18245) granting an increase of pension to Susan W. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18246) granting an increase of pension to Albion K. P. Marston; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 18247) to remove the charge of desertion from the military record of Daniel Kennedy; to the Committee on Military Affairs.

By Mr. ROTHERMEL: A bill (H. R. 18248) granting an increase of pension to Henry Doll; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE. A bill (H. R. 18249) granting an increase of pension to William Munsell; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 18250) granting an increase of pension to Mathias Logelin; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 18251) granting a pension to Alfred E. Schuster, alias Alfred E. Raymond; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain commercial organizations of Oregon, Washington, and Idaho, urging the passage of the rivers and harbors bill; to the Committee on Rivers and Harbors.

Also (by request), petitions signed by certain citizens of Connecticut, urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. ASHBROOK: Petitions of 152 citizens of Wooster College, Wooster, Ohio, favoring House joint resolution 282, to investigate claims of Dr. F. A. Cook to have discovered the North Pole; to the Committee on Naval Affairs.

By Mr. BAILEY: Petition of Woman's Home Missionary Society of the Methodist Episcopal Church, Bedford, Pa., against H. R. 16804; to the Committee on the District of Columbia.

By Mr. BELL of California: Petition of members of the James A. Garfield Circle, No. 55, of the Grand Army of the Republic, Department of California and Nevada; to the Committee on the Judiciary.

Also, petition of 200 people of the Boyle Heights Christian Church and 200 people of University Christian Church, Los Angeles, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. CRAMTON: Protests of Frank Pretty and 60 other citizens, against any legislation affecting the sale of household remedies, etc., by wagon; to the Committee on Interstate and Foreign Commerce.

Also, petitions of D. R. & I. Brown and 14 other business houses, of Deckerville; J. D. Clark and 7 other business houses, of Elkton; Bad Axe Lumber Co. and 9 other business houses, of Bad Axe; the Millethaler Co. and 11 other business houses, of Harbor Beach; the Wahla Mercantile Co. and 9 other business houses, of Minden City; F. E. Kelly and 9 other business houses, of Sandusky; Knox Dry Goods Co. and 26 other business houses, of Port Huron; Recor & Smith and 16 other business houses, of St. Clair; Blood & Hart and 10 other business houses, of Marine City; Chris Schlosser estate and 4 other business concerns, of New Baltimore; J. D. Crosby & Son and 6 other business concerns, of Cass City; P. L. Graham and 10 other business houses, of Crosswell; C. M. Livingston and 4 other business concerns, of Owendale; Vaughan & Clark and 7 other business concerns, of Gagetown; C. A. Stockmyer and 3 other business houses, of Caseville; John Kuhn & Co. and 20 other business concerns, of Mount Clemens; Reid & McCabe and 3 other business concerns, of Emmett; Charles F. Walker and 4 other business concerns, of Dryden; Ira H. Hubbell and 5 other business concerns, of Applegate; F. L. Chubb and 4 other business concerns, of Berville; William Will and 8 other business concerns, of New Haven; the Neddemeyer Co. and 10 other business concerns, of Richmond; the Palms Hardware Co. and 1 other business concern, of Palms; Frank A. Brown and 8 other business concerns, of Uby; George B. Dewar and 5 other business concerns, of Kinde; James Cartwright and 4 other business concerns, of Port Austin; A. L. Bruce and 3 other business concerns, of Deford; I. L. Berman and 5 other business concerns, of Kingston; L. H. Willson and 5 other business concerns, of Clifford, all in the seventh congressional district of Michigan, asking the passage of House bill 5308, to compel mail-order houses to contribute to the development of the local community, county, and State; to the Committee on Ways and Means.

Also, protests of Moritz Meiers and 10 other citizens of Mount Clemens, Mich., against the adoption of the Hobson resolution, submitting the question of national prohibition to the legislatures of various States; to the Committee on Rules.

Also, resolutions of the Michigan State Association of Post Office Clerks, in support of House bill 15222, for compensation of civil-service employees injured in the course of duty; to the Committee on the Judiciary.

Also, protests of Thomas Hyslop, of Millington; A. T. Kerr, of Vassar; W. C. Blair, of Lapeer; and Irwin W. Lennox, W. H. Reid, and Mrs. F. E. Crippen, against the proposed Lane amendment to House bill 6282, relative to sale of narcotics; to the Committee on Ways and Means.

By Mr. DERSHEM: Petitions of 2,800 citizens of Waynesboro and 174 citizens of Yeagertown, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. FITZGERALD: Petitions of Brooklyn Deaconess Home of the Methodist Episcopal Church, Brooklyn; Christian Endeavor Union and sundry citizens of Brooklyn; and 34 citizens of the State of New York, favoring national prohibition; to the Committee on Rules.

Also, memorial of board of trustees of the Western Society of Engineers, of Chicago, Ill., protesting against House bill 13457, relative to United States geographical surveys; to the Committee on Expenditures in the Interior Department.

Also, memorial of United German Societies of the District of Columbia, favoring opening of the Washington Monument on Sundays and holidays; to the Committee on Public Buildings and Grounds.

Also, memorial of General Post Office Letter Carriers' Mutual Benefit Association of New York, protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

By Mr. GILL: Petitions of sundry citizens of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. GREGG: Papers to accompany Senate bill 544, a bill for the relief of the Virginia Military Institute, of Lexington, Va.; to the Committee on Claims.

By Mr. HAMILTON of New York: Petitions of Pomona Grange, of Randolph, and citizens of Jamestown, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Seattle, Wash., favoring national prohibition; to the Committee on Rules.

Also, memorial of Willapa Harbor Trades and Labor Council, of Raymond, and sundry citizens of Tacoma, Wash., protesting against national prohibition; to the Committee on Rules.

By Mr. KONOP: Petitions of Emil Pots and others of the State of Wisconsin, protesting against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of citizens of the State of Rhode Island, favoring the Bristow-Mondell resolution enfranchising women; to the Committee on the Judiciary.

By Mr. PATTON of Pennsylvania: Petition of voting citizens of Irvona Borough, Clearfield County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the First Baptist Church of New Haven and sundry citizens of the State of Connecticut, favoring national prohibition; to the Committee on Rules.

By Mr. ROTHERMEL: Papers to accompany bill granting pension to Henry Doll; to the Committee on Invalid Pensions.

By Mr. SELDOMBRIDGE: Petition of sundry citizens of Weldona and Las Animas, Colo., favoring national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petition of citizens of Elmira, N. Y., favoring national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, August 6, 1914.

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we look to Thee as the source of all wisdom and holiness and power. We humble ourselves under Thy mighty hand, and commit ourselves to Thy divine leadings. May we discharge all our obligations in the light of Thy perfect law. We pray for our rulers; and may the angels of mercy hover over the home where dwells our Chief Magistrate. May Thy kind Providence dispel the gloom that has entered there, and be present in healing strength and restorative power. We ask it in the name of Jesus our dear Savior. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR ELIHU ROOT.

Mr. BRANDEGEE. Mr. President, I send to the desk a tribute from a great Democratic daily newspaper to a great Republican Senator, the senior Senator from New York [Mr. Root], and I ask unanimous consent that the Secretary may read it.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. O'GORMAN. I did not hear the request.

Mr. BRANDEGEE. I have asked unanimous consent that the Secretary may read to the Senate the tribute of a great Democratic daily newspaper to a great Republican Senator, the colleague of the Senator from New York.